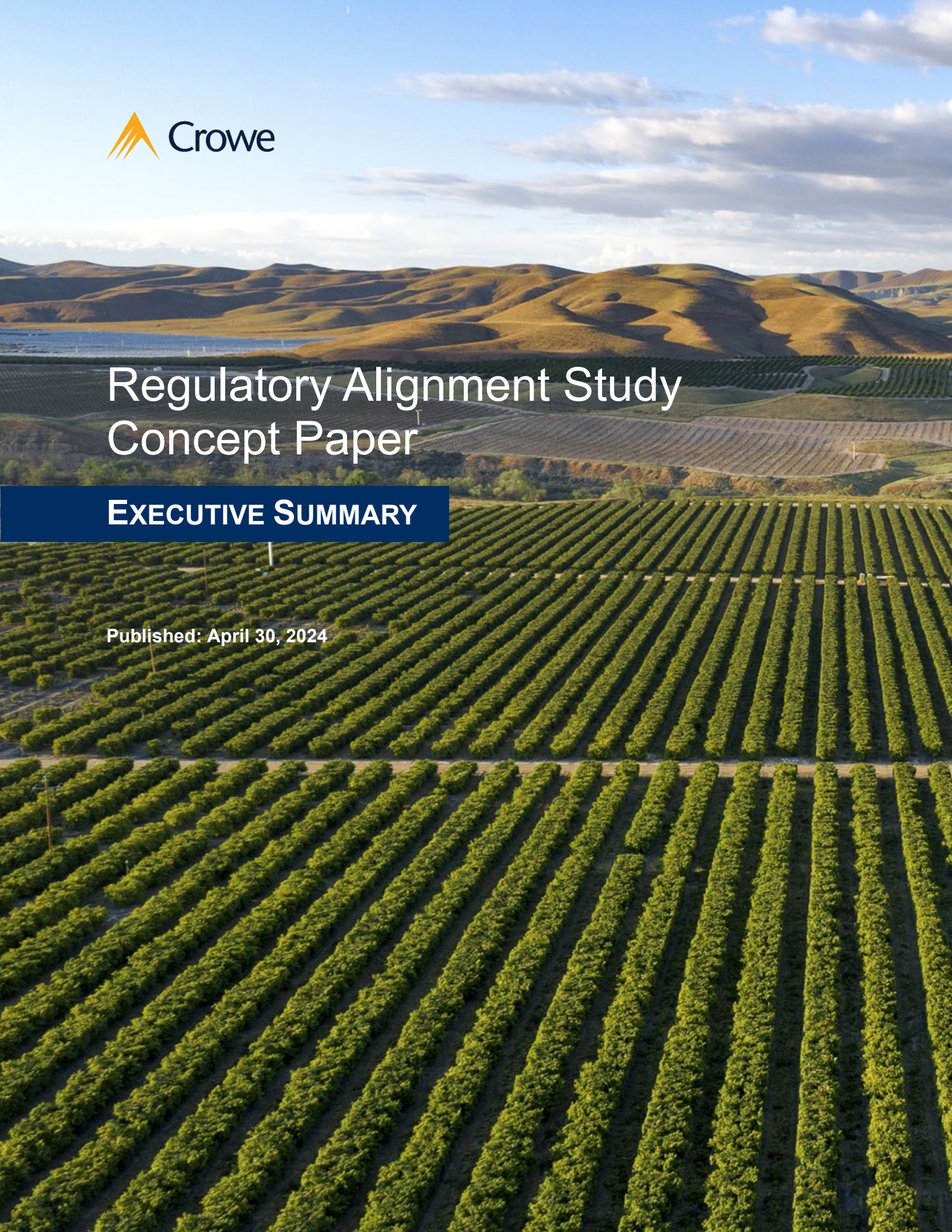


Crowe

Regulatory Alignment Study Concept Paper

EXECUTIVE SUMMARY

Published: April 30, 2024

Overview

Crowe LLP (Crowe) prepared this Regulatory Alignment Concept Paper (Concept Paper) on behalf of the California Department of Food and Agriculture (CDFA), in collaboration with the California Environmental Protection Agency (CalEPA) and State Water Resources Control Board (Water Boards), as part of the Regulatory Alignment Study to evaluate and identify opportunities to streamline administrative processes and optimize information collected by the state related to agricultural food safety and water quality regulatory programs.

Regulatory Alignment Concept Paper

This Concept Paper provides Crowe's initial proposed regulatory pathways[1] (i.e., proposals). Informed by a broad range of interested parties, interviews and feedback, Crowe's intent with the proposals is to offer forward-thinking and objective proposals that can be further developed through review and feedback by CDFA, CalEPA, Water Boards, and interested parties.

This Concept Paper details nearly 50 proposals across four program areas, including specific opportunities, options, and rationale on how each proposal supports regulatory alignment. Many of these proposals enhance or advance the work that CDFA and Water Boards have already started. It is important to emphasize that the proposals described do not reflect final recommendations. These proposals provide a starting point to obtain additional feedback. Crowe understands the proposals will require additional refinement to develop implementation plans.

- The **Produce Safety Program (PSP)** section outlines 12 proposals.
- The **Irrigated Lands Regulatory Program (ILRP)** section outlines 16 proposals.
- The **Confined Animal Facilities (CAF) Program** section outlines 10 proposals.
- The **State Winery Order (SWO)** [2] section outlines eight proposals.

Next Steps

Crowe is requesting feedback on the Concept Paper to inform its final regulatory alignment recommendations to CDFA, CalEPA, and the Water Boards, which are expected in 2025. Crowe will hold informational webinars to provide an overview of the Concept Paper and a series of workshops to receive feedback on the proposals in May, June, and July 2024. Feedback on the Concept Paper can be provided at the workshops or sent via email to RegulatoryAlignmentStudy@crowe.com by 5:00 p.m. on Wednesday July 31, 2024.

For More Information

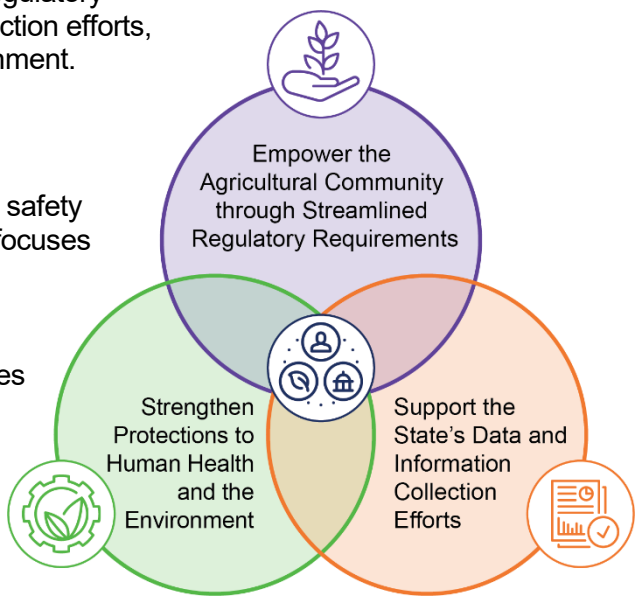
Additional information about the study and workshops is available on the CDFA website at: https://www.cdfa.ca.gov/RegulatoryAlignment

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

[2] For discussion purposes, Crowe identifies the State Winery Order as a "program."

What is Regulatory Alignment?

In this study, regulatory alignment refers to streamlining regulatory programs and requirements within the areas of food safety and water quality. The primary goals of regulatory alignment are to empower the agricultural community through streamlined regulatory requirements, support the state's data and information collection efforts, and strengthen protections to human health and the environment.



Approach

Crowe recognizes the evolving dynamics of ag-related food safety and water quality regulations in California. While this study focuses on two areas (i.e., food safety and water quality), Crowe is mindful of the broader spectrum of regulatory requirements that apply to the agricultural community. Crowe's approach, therefore, is about balancing the various benefits and realities with the current regulatory landscape. The development of the proposed regulatory pathways is grounded in comprehensive data collection, input, and experiences gathered since November 2022, including the following:

- Crowe identified, documented, and mapped over 80 distinct ag-related regulatory requirements, including data and information sharing, reporting and compliance processes.
- Crowe facilitated over 40 interviews with CDFA and Water Boards staff to understand current practices, policies, and procedures.
- Crowe conducted 70 listening sessions with the agricultural community to understand their experiences with the state's food safety and water quality programs and regulatory requirements.

Focus Areas

Crowe identified four key focus areas that form the foundation for these proposals. These focus areas are crucial for realizing the regulatory alignment goals. Each focus area has been reinforced and validated through extensive input and various experiences shared with Crowe by both program staff and interested parties.

Key Focus Areas

Data and Information Sharing
Opportunities to improve the exchange of selected data and information between state regulatory agencies and programs.

Efficiencies
Opportunities to simplify and expedite regulatory administrative, reporting, and compliance processes.

Effectiveness
Opportunities to measure regulatory performance objectives and goals.

Equity
Opportunities to ensure the inclusion of socially disadvantaged communities, and farmers and ranchers[3] in the development, implementation, and enforcement of regulations.

[3] As defined by the Farmer Equity Act of 2017.

Produce Safety Program Regulatory Pathways

The PSP, under CDFA, assists California's produce growers in understanding and complying with the standards set by the Food Safety Modernization Act (FSMA) Produce Safety Rule (PSR). PSP is charged with inspecting, educating, and conducting outreach on food safety requirements to approximately 20,000 covered farms producing $40 billion worth of produce and harvesting over four million acres.

Crowe identified 12 proposed regulatory pathways for PSP. In many cases, the proposals described in this section aim to advance or enhance existing activities that CDFA and their partners have already started.

Highlighted Key Activities

In May 2023, the CDFA PSP team secured $1.3M from the California Department of Technology's Technology Modernization Fund. These funds are being used to develop a Salesforce-based IT platform known as the Farm Data Repository. This central data repository will be used to house the program's produce farm inventory and inspections database. Full system functionality of this farm data repository is anticipated in late 2024.

As a result of this centralized repository:

- California growers will have access to the data the Produce Safety Program collects on their farms and operations.
- California growers will receive educational, outreach, and prevention strategy communications focused on their farm and business operational needs.
- The Produce Safety Program will be able to focus inspection efforts based on food safety risk factors to help ensure a safe and quality food supply for all consumers.

Reference the Produce Safety Program Portal to see more on this phased launch approach.

Data and Information Sharing Regulatory Pathways
Produce Safety Program

Proposals	Specific Opportunities

RP1. Support Farm Verification through the Collection of Selected Data through Enhanced Coordination with Third Parties, CDFA Programs, and Water Boards' Water Quality Programs	• Conduct an initial analysis of underlying governance and regulations to determine the feasibility of collecting grower specific data and information from various entities that may be helpful in farm verification processes.
	• Based on the results of the opportunity above:
	  ○ Coordinate with third-party audits (e.g., GLOBALG.A.P., and PrimusGFS) to obtain lists of growers as a data input for an up-to-date Composite Farm List.
	  ○ Coordinate with commodity groups (e.g., Leafy Greens Marketing Agreement [LGMA], and California Cantaloupe Advisory Board [CCAB]) to obtain lists of growers as a data input for an up-to-date Composite Farm List.
	  ○ Coordinate with ILRP Coalitions to obtain routine listings of enrollees as a data input for an up-to-date Composite Farm List.
	  ○ Coordinate with Water Boards staff to receive lists of wineries under the State Winery Order that may grow produce covered under PSR. This information could facilitate identification of more growers that could be added to the Composite Farm List.

RP2. Obtain and Use Shared Data from Relevant Entities to Prioritize Risk-Based Inspections Using the Produce Decision Analysis Tool (PDAT) Criteria	• Conduct an initial analysis of underlying governance and regulations to determine the feasibility of sharing grower specific data and information from various entities to evaluate and prioritize inspections.
	• Based on the results of the opportunity above:
	  ○ Establish a data and information sharing and protections partnership between PSP and the CAF Program to catalog the location of all types of CAF facilities (e.g., cow dairies, poultry operations) and PSP farms on a single, unified, interactive, internal-only, geographic information system (GIS) map.
	  ○ Establish a partnership between third-party auditors (e.g., GLOBALG.A.P, PrimusGFS, and United States Department of Agriculture [USDA] Harmonized GAP Audit Program) to share growers' inspection outcomes and/or dates.
	  ○ Establish a partnership with commodity groups (e.g., LGMA and CCAB) to electronically transmit lists of growers' last inspection outcomes and/or dates.

RP3. Obtain Compliance Information from Third-Party Auditors and Commodity Groups to Streamline Inspections	• Conduct an initial analysis of underlying governance and regulations to determine the feasibility of collecting grower specific data and information from third-party auditors and commodity groups that may be helpful streamlining inspection activities.
	• Based on the results of the opportunity above:
	  ○ Obtain monthly lists of growers who have demonstrated compliance with third-party and commodity group audits to demonstrate full or partial PSR compliance.
	  ○ Allow growers to self-report and provide records and/or certifications related to passing an aligned audit as a replacement for a full PSR inspection.

Efficiencies Regulatory Pathways
Produce Safety Program

Proposals	Specific Opportunities
RP4. Optimize the Farm Data Repository to Incorporate Available Data into a Robust Risk Prioritization Model	In alignment with Phase 2 of the Farm Data Repository: • Optimize the Farm Data Repository to produce a 'Risk Profile' for each farm. This risk prioritization model will be built around the CAP's PDAT which gathers risk criteria (e.g., Priority Commodities, Adjacent Land Use, Approximate Farm Acreage, and PSA Grower Training Attendance). • Optimize the Farm Data Repository to collect additional farm information that may inform the risk prioritization model. Information such as proximity to particular adjacent land activity, third-party audit results, and notices of produce recalls or outbreaks should be collected to ensure the Farm Data Repository is regularly updated.
RP5. Enhance the Farm Data Repository with Additional Tools to Assist Growers in Understanding Their Status Under PSR and Streamline Current Data and Information Collection Activities	• Develop a 'Coverage Tool' to be built on the Farm Data Repository and automatically share results with PSP staff. • Develop an 'On Farm Readiness Review (OFRR) Request Tool' to be built on the Farm Data Repository to allow growers to request an OFRR and provide their contact information in a standard format.

Effectiveness Regulatory Pathways
Produce Safety Program

Proposals	Specific Opportunities
RP6. Share Trends and Outcomes Resulting from Program Activities to Educate the Public on Food Safety Information	• Present historical and current data in an accessible dashboard on the PSP website to demonstrate program effectiveness through trend analysis. • Create a working group with a robust communication channel for relevant food safety groups (e.g., PSP, CDPH, Center for Disease Control and Prevention [CDC] and FDA) to establish annual reports related to California-based produce recalls and foodborne illness outbreaks. These annual reports may highlight the benefits of the program. • Compare inspection data from farms which participated in an OFRR versus those which did not to demonstrate ability of OFRR to correct poor agricultural practices and promote greater protection of public health. Demonstrating that poor agricultural practices are being corrected adheres to programmatic goals and objectives while also communicating program successes to the public.
RP7. Assess Programmatic Activities through Robust Feedback Channels to Evaluate Program Performance and Educate Growers of Best Practices	• Establish a 'Produce Safety Task Force' with all relevant agricultural entities (e.g., PSP, University of California, Cooperative Extension [UCCE], Buyers/Shippers, CDFA Farm Equity Office, and commodity groups) to share information and feedback on program alignment with overall FSMA, PSR, and CAP goals. • Provide an annual update or enhance current training materials to cover topics such as common observations, agricultural practices to avoid, and examples of "egregious conditions" based on annual inspection data. This can improve education by incorporating real practices observed in recent inspections.
RP8. Incentivize Growers to Engage with the Program to Promote Awareness and Trust in the Program	• Propose a mechanism to FDA to provide marketing materials (such as a program logo) for use on packaging when a grower demonstrates PSP compliance via the Farm Data Repository. • Establish a 'Recognition Program' for individuals who are helping other growers in their community with produce safety compliance.
RP9. Establish Attainable Goals for Key Performance Indicators (KPIs) to Communicate Program Performance	• Allocate PSP resources strategically to evaluate progress towards KPI goals, and twice annually relay these advancements to the FDA, discussing potential adjustments as necessary. • Measure additional KPIs to communicate progress on education, outreach, and outcomes from inspections internally to PSP staff and externally to FDA staff.

Equity Regulatory Pathways
Produce Safety Program

Proposals	Specific Opportunities
RP10. Align Programmatic Outreach Activities with the Farmer Equity Act to Foster an All-Inclusive Approach to Program Implementation and Regulation	• Provide additional outreach through various channels such as UCCE and committees at the Farm Equity Office (e.g., California Black, Indigenous, and People of Color [BIPOC] Producer and the Small-Scale Producer Advisory Committees). • Expand capacity to support growers that self-identify as primarily non-English-speaking by providing funding support to expand direct technical assistance providers, such as UCCE and other non-profit groups, to offer application assistance in multiple languages as well as simultaneous interpretation and/or translation in the languages spoken in the agricultural community. • Provide inspection forms, resources, web-based data systems, and portals in multiple languages. • Leverage existing Farm Equity Office committees (e.g., BIPOC Producer and the Small-Scale Producer Advisory Committees), in collaboration with the various community organizations, such as the National Network of Promotoras and Community Health Workers, to conduct periodic listening sessions or outreach in “small, disadvantaged communities” (DACs). • Increase tailored outreach and education to DACs on best practices for safe food handling to reduce the risk of foodborne illnesses. Outreach and education should be provided by trusted local organizations in multiple languages and could include information on how to store, handle and clean food.
RP11. Develop an Inclusive Process for Scheduling Inspections for Small-Scale, Socially Disadvantaged Growers and those with Limited-English Proficiency to Make Processes More Manageable and Accessible	• Track growers’ preferred language and method of communication with other relevant basic farm information (e.g., name, address, phone number, and email address) to better allocate translator and bilingual staff resources. • Provide copies of program information, specifically Produce Farm Inspection Report Summaries in requested languages to accommodate individuals with limited English proficiency. Copies could include mailed paper copies directly to growers and/or electronic versions for technical assistance providers to print out and bring to on-farm visits. • Refer small growers, as necessary, to staff to schedule an OFRR to follow PSP’s goal of education before regulation. The OFRR should conclude with scheduling a date for their inspection three to six months after the OFRR.

RP12. Evaluate the Ability to Coordinate Inspection Timelines with Other Relevant Audits or Inspection Entities to Reduce Time Impact of Inspections for Growers	• Conduct an initial analysis of underlying governance and regulations to determine the feasibility of sharing grower specific data and information to coordinate inspection timelines amongst various agencies and agricultural entities.
	• Based on the results of the opportunity above:
	  ○ Allow small growers to request coordinated inspection/audit scheduling between PSP inspectors and third-party audits.
	  ○ Expand capacity of PSP scheduling staff to coordinate with other audits to communicate and ultimately come to an amicable decision on preferred time frame for conducting consolidated inspections. For example, schedule inspections within the same week or on successive days.
	  ○ Establish a collaborative group to coordinate scheduling in batches (once per month, as an example) according to various criteria (location, type of crop, and harvest season). This working group would meet regularly or share data electronically through databases.

Irrigated Lands Regulatory Program Regulatory Pathways

The ILRP, overseen by the Water Boards, includes 19 separate regional orders. The program is designed to prevent water contamination from agricultural activities. Regulatory requirements apply to a vast expanse of agricultural land, totaling around six million acres, and includes diverse operations like nurseries and managed wetlands.

Crowe identified 16 proposed regulatory pathways for the ILRP. In many cases, the proposals described in this section aim to advance or enhance existing activities that Water Boards and their partners have already started.

Highlighted Key Activities

On February 7, 2018, the State Water Board adopted an order revising agricultural requirements for the Eastern San Joaquin River Watershed to reduce nitrate contamination of groundwater and surface water. This State Water Board order is referred to as the Eastern San Joaquin Order, or ESJ Order (WQ 2018-0002). The State Water Boards designated portions of the ESJ order as “precedential” and directed the Regional Water Boards to revise their agricultural orders within five years to be consistent with the precedential direction in the ESJ order.

- To improve monitoring of nitrogen impacts and efficiency in nitrogen application, the Order directs the Regional Water Boards to require the reporting of nitrogen application to crops from fertilizers, organic soil amendments, and in irrigation water as well as data on nitrogen removed when crops are harvested and taken from the fields.
- To protect people presently using on-farm drinking water wells and promote transparency and equity, the Order requires that growers monitor for nitrate levels in on-farm drinking water supply wells and notify the users of those wells if water is found to be above drinking water standards.

Data and Information Sharing Regulatory Pathways
Irrigated Lands Regulatory Program

Proposals	Specific Opportunities
RP1. Streamline Reporting, Inspection, and Data Collection Activities through Enhanced Internal Collaboration with Other Water Boards' Water Quality Programs	• Build on existing ILRP, CAF, Stormwater, and/or other agricultural related program roundtables to optimize communication and information sharing between program staff. • Strengthen existing intra-agency collaboration tools (e.g., MS Teams Channels, Internal Listservs, and SharePoint Pages) to facilitate coordination and communication between ag-related water quality programs. • Coordinate site inspections with staff from other relevant ag-related water quality programs.
RP2. Streamline Enrollment, Inspection, and Data Collection Activities through Enhanced Collaboration with Other Regulatory Agencies	• Extend existing inter-agency agreements (e.g., Memorandum of Understanding [MOUs]) between Water Boards and other regulatory partners to collaborate and coordinate on agricultural-related program requirements, discuss updates or changes to programs, and optimize data sharing opportunities. • Map data definitions and database structures between agencies to facilitate better interagency alignment for data and information sharing. • Develop a shared universal list of entities that actively operate within the agricultural industry that allows regulatory agencies to coordinate on enrollment and coverage across programs. • Coordinate site inspections between Water Boards' and other regulatory agencies.
RP3. Standardize Discharger Reporting Templates to Remove Collection of Potentially Duplicative Information within the Program	• Use the Notice of Intent (NOI) to gather general owner and operation information (e.g., owner's name, site(s) address, and contact information) once at enrollment. Remove the requirement in paper forms or reinforce the auto-fill mechanism for information already submitted in GeoTracker electronic reports. • Refine the current process to review Coalition-developed report templates to ensure they align with Water Boards' data collection efforts and avoid request of duplicative information from dischargers. • Standardize report naming conventions (e.g., Farm Plan v. Farm Evaluation) across Regional Water Boards. • Align terms and report data fields across Regional Water Boards.

RP4. Expand Capacity for Ongoing GeoTracker Maintenance and Functionality Updates to Ensure the Database Continues to Meet the Needs of All Users	• Enhance functionality and ongoing maintenance to GeoTracker to:
	  ○ Improve discharger user experiences when entering data and information.
	  ○ Improve Coalition user experiences when entering data and information.
	  ○ Provide optimal use by Water Boards' ILRP staff.
	  ○ Provide easy navigation and access to publicly available data and information through the system.

RP5. Improve Database Integration to Streamline Reporting Processes and Reduce Manual Data Entry	• Support the Coalition-managed portals[4] as the primary interface for ILRP dischargers to enter their data and information into a single database, and where Coalitions submit aggregated, consolidated data and information from their members to GeoTracker. • Uplift GeoTracker as the central database for use by Water Boards ILRP staff. Implement data integration functionality, tools, or identification schemes (e.g., based on Waste Discharger Identification [WDID] number) that facilitate seamless data exchange between GeoTracker and other existing Water Boards' databases.

[4] Not all Coalitions have portals.

Efficiencies Regulatory Pathways
Irrigated Lands Regulatory Program

Proposals	Specific Opportunities
RP6. Implement Tools and Resources on All Regional Water Board Websites to Raise Awareness of Program Updates and Requirements	• Develop requirements checklists and/or calendars on Regional Water Board and Coalition websites to provide dischargers with a list of requirements and their deadlines. • Expand database user guides, frequently asked questions, and/or video tutorials which provide helpful tips for using databases and responses to frequently asked questions. • Provide direct links to downloadable report templates and calculation worksheets. • Provide direct links to helpful resources such as electronic NOI portals, Environmental Laboratory Accreditation Program (ELAP) Certified Laboratories maps and/or lists, File Transfer Protocol (FTP) server or GeoTracker access to environmental impact reports, public comments, fee schedule and payment system, Coalition websites, and more. • Develop a centralized ILRP-specific regional email box for all regions that do not already have one established to provide a mechanism for two-way communication across ILRP staff and members of the agricultural community.
RP7. Expand Tools and Training to ILRP Staff to Optimize Monitoring, Reporting, and Inspection Activities	• Provide additional training for ILRP staff to enhance understanding of common and emerging agricultural practices. This could include additional on-site/on-field visits. • Provide additional inspection tools (e.g., geolocation software and tablets) to enhance efficiency and effectiveness in the field. • Assess the feasibility to acquire software applications that digitize report forms to remove reliance on manual data entry from paper or email submitted reports into databases.
RP8. Encourage Uniform Electronic Reporting Across Regional Water Boards to Streamline Data Collection, Analysis, and Review Activities	• Establish an electronic reporting and management process for the program. • Collaborate with Coalitions to reward dischargers who consistently submit high-quality and timely data and reports.

Effectiveness Regulatory Pathways
Irrigated Lands Regulatory Program

Proposals	Specific Opportunities
RP9. Improve Communication of Program Objectives to Promote Transparency and Accountability	• Expand messaging to improve communication of the program objectives. • Vary communication channels to reach different interested parties effectively. • Periodically refine program design and objectives when new data compels refinement. • Strengthen partnerships with Coalitions to help communicate program objectives to a wider audience.
RP10. Enhance Ongoing and Frequent Feedback to Dischargers to Foster Continuous Improvement	• Modify statewide dashboards to display compliance information and performance across multiple regulatory programs. • Collaborate with Coalitions to facilitate peer-to-peer feedback among growers by incorporating information on outlier data within a dashboard, communication, or other feedback mechanism.
RP11. Incorporate More Positive Incentives for Activities that Promote Program Objectives	• Establish recognition programs or awards to acknowledge and celebrate Coalitions that demonstrate exceptional commitment and achievement in promoting program objectives. • Implement performance-based incentives that reward Coalitions based on achievements and progress towards program objectives. • Support grant opportunities and applications to other agencies for dischargers who actively contribute to the promotion of program objectives.
RP12. Refine Statewide Key Performance Indicators (KPIs) to Evaluate Program Performance and Communicate Outcomes	• Conduct a series of collaborative sessions involving regulators, the regulated community, partners, and interested parties to inform the refinement of KPIs. • Establish a working group that reviews KPIs annually for program performance and future updates to KPIs. • Develop communication tools to highlight program progress, achievements, and areas of improvement in relation to KPI analysis.

Equity Regulatory Pathways
Irrigated Lands Regulatory Program

Proposals	Specific Opportunities
RP13. Provide Options for Alternative Compliance Pathways for Small-Scale, Socially Disadvantaged Dischargers	• Consider a tiered permitting system that categorizes dischargers based on their size, complexity, or risk level. • Explore alternative reporting approaches that reduce the frequency or complexity of reporting requirements while still providing sufficient data to assess compliance. • Consider conditional exemptions for certain regulatory requirements that may not have significant impact on water quality for smaller dischargers. • Develop procedures or decision trees to identify flexibility opportunities for smaller dischargers within the program.
RP14. Expand Technical Assistance Resources to Small-Scale, Socially Disadvantaged Dischargers	• Extend existing Memorandums of Understanding (MOUs), agreements, and/or grants with small grower specialty groups, like University of California, Cooperative Extension (UCCE), to help ensure current technical assistance is sustainable. • Expand technical assistance and training programs in collaboration with trusted advisors and small grower specialty groups. • Provide more support and education to ILRP Coalition staff, in partnership with small grower specialty groups, like UCCE, to enhance understanding of the specific needs and practices of small-scale, socially disadvantaged dischargers and diversified groups and to expand technical assistance capabilities to these groups, which may be a part of their Coalition. • Continue to foster partnerships and collaborations with industry associations, non-profit organizations, and academic institutions.
RP15. Develop Targeted Education and Outreach Efforts to Small-Scale, Socially Disadvantaged Dischargers	• Establish a “small-scaled, socially disadvantaged” liaison that works at the Water Boards and/or regional Coalitions to serve as point of contacts for small-scaled, socially disadvantaged dischargers, or specialty groups. • Enhance current educational materials, brochures, fact sheets, and guidance documents to ensure they are culturally sensitive and available in multiple languages. • Collaborate with community organizations and other technical service providers that work closely with small-scale, socially disadvantaged dischargers to encourage participation, compliance, and/or improved management practices. • Organize outreach events, workshops, or information sessions specifically targeted at small-scale, socially disadvantaged dischargers.
RP16. Provide Additional Resources and Program Support for Small, Disadvantaged Communities	• Establish a “small, disadvantaged communities” (DAC) liaison that works at the Water Boards or regional Coalitions to serve as a point of contact for DACs. • Coordinate with existing list of Technical Assistance (TA) providers to empower DACs with various support, such as representation and advocacy, education and outreach, site assessments, grant and funding assistance (e.g., Water Boards’ TA Funding Program), and collaboration and partnership. • Coordinate with the Office of Sustainable Water Solutions (OSWS) to identify opportunities for improved data transparency and communication of ILRP impacts to DACs. • Coordinate with DPR or University of California, Agriculture and Natural Resources (UCANR) to strengthen Integrated Pest Management (IPM) resources, training, and technical assistance in DACs with pesticide specific groundwater concerns.

Confined Animal Facilities Program Regulatory Pathways

The CAF Program, under the purview of Water Boards, includes 15 separate regional orders. It focuses on minimizing the environmental impact of confined animal facilities. These facilities, numbering around 1,950 in California, house a significant population of non-dairy and dairy animals.

Crowe identified 10 proposed regulatory pathways for the CAF Program. In many cases, the proposals described in this section aim to advance or enhance existing activities that Water Boards and their partners have already started.

Highlighted Key Activities

As of FY2022-23, about 97 percent of all CAFs in the state are regulated under the CAF program. Of these facilities, about 13 percent were inspected in FY2022-23. Inspection frequencies for CAFs are based on threats to water quality with a goal of inspecting all facilities at least once every three to five years. Inspections assist with validation of conditions and system maintenance.

Understanding the impacts of costs to participate and comply under the CAF program, Regional Water Boards collaborate with the California Dairy Quality Assurance Program (CDQAP) by offering fee reductions to dairy facilities in the environmental stewardship program. Additionally, CAF program staff continue to coordinate with CDFA on their grant programs to promote digesters and alternative manure management technologies that reduce short-lived climate pollutants and streamline the permitting of manure digesters and co-digesters.

In the Central Valley Region, CAF program staff have also worked with CV-SALTS management zone and Salinity Coalition representatives to develop a process for confined animal facilities to participate as members of third-party industry groups. Staff met with industry representatives to facilitate outreach to assist individual dischargers in complying with CV-SALTS notices to comply.

Data and Information Sharing Regulatory Pathways
Confined Animal Facilities Program

Proposals	Specific Opportunities
RP1. Standardize Reporting Requirements and Templates Across Regional Water Boards to Simplify Reporting	• Generate standardized "general information forms" to streamline reporting processes. • Build on existing electronic self-monitoring process to standardize implementation across all Regional Water Boards, to the extent feasible. • Provide additional guidance and instructions on requested data fields within standardized templates to support collection of high-quality data, while considering regional and/or facility type differences.
RP2. Centralize Data Management Systems to Consolidate Data	• Expand Application Programming Interfaces (APIs) for interaction between existing databases. • Elevate GeoTracker to a centralized database and enhance its capabilities.

Efficiencies Regulatory Pathways
Confined Animal Facilities Program

Proposals	Specific Opportunities
RP3. Expand Third-Party Monitoring Group Responsibilities to Streamline Inspection, Monitoring, and Reporting Activities	• Provide opportunities for third-party groups to conduct alternative pre-inspections to encourage compliance and reduce Water Boards staff workload. • Empower third-party groups to provide reporting templates and regulatory assistance to dischargers. • Expand third-party group responsibilities to assist in annual reporting processes.
RP4. Invest in Resources that Support Improved Management of Excess Nutrients	• Support dedicated infrastructure for the collection of excess solids waste by the state, composting it for use by members of other Water Boards programs. • Develop an online interface for members of CAF, ILRP, and other relevant programs to assist in facilitating waste transfer processes on an opt-in basis. • Provide incentives for enrollees with established bioreactor facilities who offer fertilizer to dischargers under other Water Boards orders or to process manure from dischargers without digesting facilities.

Effectiveness Regulatory Pathways
Confined Animal Facilities Program

Proposals	Specific Opportunities
RP5. Develop Incentives for Dischargers that Help the Program Achieve Objectives	• Offer incentives to dischargers achieving program objectives to promote sustainable practices beneficial for human health and the environment. • Enhance incentives that reduce sampling or inspection requirements for dischargers who meet or exceed specific monitoring criteria. • Introduce a market-based incentive by providing a certification or seal on the products of dischargers who meet environmental regulation standards.
RP6. Distribute Performance Reports to Dischargers to Create Feedback Loops	• Implement a mailing system where dischargers receive letters ranking them against dischargers of similar size or output based on key performance indicators. • Introduce public interactive webinars where regulators share insights on discharger performance, compliance, and environmental impact.

Equity Regulatory Pathways
Confined Animal Facilities Program

Proposals	Specific Opportunities
RP7. Implement Tiered Monitoring Requirements Across All Regional Water Boards to Reduce Workload for Small-Scale, Socially Disadvantaged Dischargers	• Develop a survey or questionnaire for dischargers to better understand their current facility characteristics and potential impacts on water quality. • Define categorical differences between the various sizes of dischargers to include conditional exemptions for smaller operations. • Extend existing permit tiering models to all Regional Water Boards.
RP8. Use Alternative Sources to Assist with Annual Fees and Third-Party Monitoring Fees for Small-Scale, Socially Disadvantaged Dischargers	• Focus on grant funding to support small-scale, socially disadvantaged dischargers for implementing special projects that benefit water quality and the environment. • Evaluate feasibility of an alternative fee structure that considers a reduced impact on small scale, socially disadvantaged dischargers.
RP9. Support Small-Scale, Socially Disadvantaged Dischargers with Enrollment and Monitoring, and Reporting	• Use established networks like the USDA Socially Disadvantaged Groups Grant (SDGG) Program and the USDA Farm Service Agency (FSA) to conduct outreach efforts from channels that already exist to communicate with this community. • Enhance outreach by collaborating with entities already engaged with dischargers such as third-party monitoring groups, local Resource Conservation Districts (RCDs), and UCCE advisors. • Establish collaborative initiatives with entities such as UCCE to expand accessibility of educational and guidance material to multiple languages.
RP10. Encourage Use of Dairy Digesters for Dairy Facilities Located in Disadvantaged Communities	• Collaborate with CDFA's Dairy Digester Research and Development Program (DDRDP) to encourage funding of installation of dairy digesters in disadvantaged communities. • Establish accessible dairy digester facilities within disadvantaged communities, open for use by the public. • Enhance environmental monitoring for dairies with digester facilities.

State Winery Order Regulatory Pathways

The SWO, WQ 2021-0002-DWQ, administered by the Water Boards, aims to protect groundwater quality from impacts of waste discharges from wineries and related facilities. This order is pivotal in providing requirements to prevent impacts to the environment from the discharges of waste from around 2,100 wineries, which include facilities producing wine and grape juice.

Crowe identified eight proposed regulatory pathways for the SWO. In many cases, the proposals described in this section aim to advance or enhance existing activities that Water Boards and their partners have already started.

Highlighted Key Activities

A significant driver of the development of the SWO was a push from the wine industry to make the requirements for winery dischargers more consistent statewide. The Order streamlines statewide permitting and establishes statewide consistency, while allowing Regional Water Boards to focus their resources on compliance.[5] Significant efforts were made to solicit involvement and incorporate comments from stakeholders.

In 2022-2023, Water Boards staff sent out about 3,000 winery business outreach letters to engage directly with wineries identified as potentially requiring coverage under the SWO.

Additionally, staff have provided a range of tools and guidance documents for winery operators on the State Water Board's website, including Electronic Submittal of Information Help Guide, Winery General Order Eligibility Survey, and a Compliance Calendar Tool, to name a few.

[5] SWO Adoption Press Release, Jan. 2021

Data and Information Sharing Regulatory Pathways
State Winery Order

Proposals	Specific Opportunities
RP1. Streamline Enrollment, Inspection, and Corrective Action Processes Through Strategic Cooperation and Collaboration with Regulators from Other Programs Regulating Wine-Production Facilities	• Share SWO enrollment data with staff from other ag-related water quality programs (i.e., ILRP, Industrial Stormwater) where applicable. • Update the NOI template (SWO, Attachment B) to ask for specific information related to other wine-production activity occurring at the site that may trigger the need for additional coverage. • Develop an automated process to solicit enrollment data from the Industrial Stormwater Permit program. • Coordinate site inspections and correction actions with other ag-related water quality programs. • Invest in, implement, and encourage the use of additional collaboration tools such as message boards, listservs, shared calendars, and web maps. • Continue to implement working group sessions with relevant cooperating program staff.
RP2. Increase Transparency through Preparation and Public Release of Periodic Program Status Reports	• Prepare and publish program status reports that summarize data collected under the SWO. • Develop a web-dashboard that displays graphical representations of data collected under the SWO which leverages data within the GeoTracker database so that updates can be rolled out in near-real-time.

Efficiencies Regulatory Pathways
State Winery Order

Proposals	Specific Opportunities
RP3. Promote Prompt Transition to the SWO to Expedite Consolidation and Enrollment Activities	• Continue to engage with eligible facilities to communicate existing incentives to prompt enrollment (i.e., potential for a higher degree of individual attention and support from SWO staff). • Highlight elements of the SWO that provide flexibility in meeting Order requirements (i.e., compliance schedules extending up to five years after an NOI is issued). • Communicate the intention and preference to oversee newly enrolled facilities in a manner that is consistent with the state's progressive enforcement policy, through collaboration with the discharger rather than through formal enforcement proceedings. • Provide a streamlined pathway for termination of existing winery waste discharge coverage. Existing regulatory tools, such as Time Schedule Orders (TSOs) may be utilized to achieve this goal.
RP4. Automate a System for Tracking Winery Order Activity Statewide to Provide Consistency and Uniformity	• Assess future feasibility for using a single existing state database/system for all SWO activity and/or development of a single statewide process using existing state database(s) for all SWO activity. • Encourage the use of fillable web forms or pdf forms that can be easily converted to tabular data (e.g., MS Excel files, CSV files) and uploaded in bulk to dedicated data storage systems. • Implement mailbox rules, automated processes, and/or other functions to improve efficiency, if using e-mail as a reporting system. • Assess the feasibility of developing forms that can be used with handwriting recognition software or are otherwise compatible with machine-reading systems (e.g., scantron-style forms), if using paper forms.

Effectiveness Regulatory Pathways
State Winery Order

Proposals	Specific Opportunities

RP5. Conduct a Periodic Review of Monitoring and Reporting Requirements to Re-evaluate Needs with Regard to Program Objectives	• Conduct a periodic review of data gathered under the SWO to evaluate and rank actual and potential threats to water quality resulting from winery waste discharge.
	• Based on the results of the opportunity above:
	  ○ Revise monitoring and reporting programs to reflect the findings (i.e., increase monitoring requirements for high-risk pollutants and relax requirements for low-risk pollutants).
	  ○ As determined feasible by the Water Boards within existing Water Board authorities, streamline and/or standardize the process for requesting a reduction of monitoring requirements for low-risk pollutants on a facility-specific, regional, or statewide basis.
	  ○ Allow dischargers to submit technical documentation that supports a reduction in monitoring and reporting requirements for pollutants in their waste discharge that pose little or no risk to environmental or human health based on site-specific characteristics.

RP6. Develop Key Performance Indicators for the Statewide Winery Order to Meaningfully Evaluate the Effectiveness of the Program	• Develop key performance indicators based on trends in the water quality of waste discharges. • Develop key performance indicators based on trends of landscape-scale water quality. • Review program data periodically to identify whether performance goals are being achieved. • Implement changes to regulations when performance objectives are not met.

Equity Regulatory Pathways
State Winery Order

Proposals	Specific Opportunities
RP7. Identify Opportunities to Assist Tier 1 Wineries that May be Socially and Economically Disadvantaged	• Promote and disseminate information on grants that may be available to disadvantaged businesses for updates to their process waste systems (e.g., pond improvements, treatment systems). • Utilize existing Water Boards staff or develop partnerships with external groups that can provide translation services. Develop outreach and guidance materials in multiple languages. • Assess the feasibility of lowering permitting fees for Tier 1 wineries that may be classified as disadvantaged businesses. • Consider addressing challenges faced by disadvantaged businesses directly in future revision of the SWO through decreased fees, alternative monitoring and reporting requirements, or other provisions that reduce administrative and/or cost impacts.
RP8. Consider the Cumulative Impacts of Wineries Operating in Disadvantaged Communities	• Implement additional requirements for wineries applying for coverage to operate in disadvantaged communities that helps assess cumulative impacts. • Require additional technical documentation, BMP implementation, or monitoring requirements to understand, control, and monitor for impacts that are cumulative in nature. • Require wineries within disadvantaged communities to organize, or partner, with existing watershed-scale or groundwater-basin scale monitoring groups to evaluate changes in landscape-scale water quality that are related to winery waste discharges.