

Regulatory Alignment Concept Paper

May 2, 2024

Acknowledgements

Crowe LLP (Crowe) and our partners, Blankinship and Associates, prepared this Regulatory Alignment Concept Paper (Concept Paper) on behalf of the California Department of Food and Agriculture as part of the [Regulatory Alignment Study](#).

We extend our deepest gratitude to all that have supported the development of this Concept Paper. Their insightful contributions have been pivotal in aligning our regulatory proposals with the objectives of supporting California's vital agricultural sector and fulfilling the state's regulatory obligations, particularly in protecting public health and the environment.

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The insights gathered from these interactions with both program staff and interested parties have been instrumental in shaping proposed regulatory pathways that not only uphold the state's public health and environmental standards but also support the vitality and sustainability of California's agricultural industry.

The development of this Concept Paper has been a testament to the power of collaboration and diverse perspectives. We express our sincere appreciation for the collective wisdom, dedication, and engagement of all those involved, whose contributions have been integral in guiding our work towards creating data and information-driven, efficient, effective, and equitable regulatory proposals.

Table of Contents

- 1. Introduction..... 1**
 - A. Regulatory Alignment Study Objectives..... 1
 - B. Scope of the Study and Proposals..... 2
- 2. Development of Proposed Regulatory Pathways 4**
 - A. Regulatory Alignment Goals 5
 - B. Key Focus Areas 6
 - C. Rationale for Regulatory Pathways..... 7
 - D. Mapping Regulatory Pathways 7
- 3. Proposed Regulatory Pathways for the Produce Safety Program 8**
 - A. Data and Information Sharing 10
 - B. Efficiencies 12
 - C. Effectiveness 14
 - D. Equity 16
- 4. Proposed Regulatory Pathways for the Irrigated Lands Regulatory Program 18**
 - A. Data and Information Sharing 20
 - B. Efficiencies 23
 - C. Effectiveness 25
 - D. Equity 28
- 5. Proposed Regulatory Pathways for the Confined Animal Facilities Program 31**
 - A. Data and Information Sharing 33
 - B. Efficiencies 34
 - C. Effectiveness 36
 - D. Equity 38
- 6. Proposed Regulatory Pathways for the State Winery Order 40**
 - A. Data and Information Sharing 42
 - B. Efficiencies 44
 - C. Effectiveness 46
 - D. Equity 47
- 7. Moving Forward..... 49**
 - A. Selected Key Takeaways..... 49
 - B. Gathering Input and Feedback on Proposals 50
 - C. Remaining Milestones..... 50

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1. Introduction

CDFA's mission is to serve the citizens of California by promoting and protecting a safe, healthy food supply, and enhancing local and global agricultural trade, through efficient management, innovation, and sound science, with a commitment to environmental stewardship. In November 2022, CDFA contracted with Crowe to evaluate potential options for streamlining regulatory processes within the areas of food safety and water quality while supporting the state's data and information collection efforts and protecting health and the environment.






This Concept Paper provides Crowe's initial proposed regulatory pathways¹ (proposals or "RPs"). Crowe expects that in most cases the content described in this Concept Paper will be further developed and refined through review and feedback. The intent is to offer forward-thinking and objective proposals that can be enhanced and clarified by CDFA, CalEPA, Water Boards, and interested parties through a clear, transparent, and accessible process.

This Concept Paper outlines nearly 50 proposals for feedback and review. Proposals do not reflect final recommendations. They are a starting point to obtain additional feedback. Additionally, the order and numbering of proposals in this Concept Paper do not indicate prioritization.

A. Regulatory Alignment Study Objectives

Exhibit 1 outlines the study's five objectives. As of Winter 2024, Crowe successfully completed the first two objectives.

Exhibit 1 Regulatory Alignment Study Objectives

	<p>Evaluate state regulatory requirements within the areas of water quality and food safety for the agricultural community and identify protections to public health and the environment.</p>
	<p>Conduct listening sessions to gather input from the agricultural community² relating to their experiences with the reporting requirements and processes in these areas.</p>
	<p>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.</p>
	<p>Identify and prepare implementation plans for recommended process improvements to streamline reporting requirements.</p>
	<p>Provide recommendations to CDFA, CalEPA, and the Water Boards for technological enhancements to streamline regulatory administrative and reporting processes for the agricultural community.</p>

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 Crowe uses the term "agricultural community" to account for the full spectrum of parties that will likely be impacted by the Study's outcomes, including but not limited to producers, farmers, ranchers, dischargers, growers, Coalitions, associations, environmental groups, environmental justice groups, health advocates, surrounding communities, and others.

Study Outcomes To-Date

Below are results³ from completing the study's first two objectives:

- **First Study Objective:** Crowe reviewed, documented, and mapped the regulatory programs and requirements within the areas of food safety and water quality. The team interviewed nearly 30 groups of subject matter experts (SMEs) from CDFA and Water Boards to support the understanding of key activities, processes, technologies, and tools.
- **Second Study Objective:** Crowe's team held nearly 70 listening sessions with various interested parties to hear their input and experiences with the state's food safety and water quality programs and regulatory requirements. Crowe also conducted follow-up interviews with SMEs from CDFA and Water Boards to gather additional program data and information to enhance Crowe's understanding and documentation of the programs and requirements.

The outcomes from these initial objectives helped Crowe build a solid foundation for the proposals detailed in this Concept Paper. *Section 2* describes how Crowe used the initial assessment for the proposed regulatory pathways presented in this Concept Paper.

B. Scope of the Study and Proposals

This Concept Paper is structured around the Study's scope,⁴ as described below.

Produce Safety Program

The Produce Safety Program (PSP), under CDFA, assists California's produce growers in understanding and complying with the standards set by the Produce Safety Rule (PSR), a part of the Food Safety Modernization Act (FSMA). The PSP is charged with inspecting, educating, and conducting outreach on food safety requirements to approximately 20,000 covered farms producing \$40 billion worth of produce⁵ and harvesting over four million acres. PSR under FSMA (21 Code of Federal Regulations [CFR], Part 112) requirements in scope of the study generally, include:

- Personnel Qualification and Training
- Health and Hygiene
- Agricultural Water⁶
- Biological Soil Amendments of Animal Origin and Human Waste
- Domesticated and Wild Animals
- Growing, Harvesting, Packing, and Holding Activities
- Equipment, Tools, Buildings, and Sanitation
- Records

Irrigated Lands Regulatory Program⁷

The Irrigated Lands Regulatory Program (ILRP), overseen by Water Boards, is designed to prevent water contamination from agricultural lands. It applies to a vast expanse of agricultural land, totaling around eight million acres, and includes diverse operations like nurseries and managed wetlands.

³ In January 2024, CDFA released a [study update](#) to provide details on key milestones to date including the evaluation of regulatory requirements, an overview of the listening sessions, as well as next steps for the release of the Concept Paper and workshops for 2024.

⁴ While Crowe recognizes the importance of programs like the National Pollutant Discharge Elimination System Permit (NPDES) for Stormwater Associated with Industrial Activity (Industrial General Permit [IGP]) and Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS), these were not included for in-depth evaluation in this Concept Paper.

⁵ According to the PSR, "produce" means any fruit or vegetable (including mixes of intact fruits and vegetables) and includes mushrooms, sprouts (irrespective of seed source), peanuts, tree nuts, and herbs. Produce covered by the PSR is generally considered a raw agricultural commodity (RAC), as defined in section 201(r) of the Federal Food, Drug, and Cosmetic Act.

⁶ Proposed Rule

⁷ Includes the Drinking Well Monitoring Program, which is intended to protect communities that rely on groundwater for their drinking water from impacts of nitrate contamination.

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. Below provides a list of 19 ILRP regional orders considered in scope of the study, which are known as Waste Discharge Requirements (WDR, California Water Code [CWC] §13263):

- R2-2017-0033
- R3-2021-0040⁸
- R4-2023-0353
- R5-2012-0116-11
- R5-2015-0095-07
- R5-2014-0032-03
- R5-2014-0030-11
- R5-2014-0029-07
- R5-2013-0120-09
- R5-2014-0002-11
- R5-2014-0001-08
- R5-2013-0100
- R7-2019-0053
- R7-2020-0026
- R7-2021-0050
- R7-2019-0030
- R8-2023-0006
- R9-2016-0004
- R9-2016-0005

Confined Animals Facilities Program

The Confined Animal Facilities (CAF) Program, which includes concentrated animal feeding operations (CAFO), collectively CAFs for ease of reference in this Concept Paper, under the purview of Water Boards, focuses on minimizing the environmental impact of CAFs. These facilities, numbering around 1,950 in California, house a significant population of non-dairy and dairy animals. The program's regulations encompass a range of aspects from nutrient management to waste disposal, with a strong emphasis on maintaining the quality of surface and groundwater. Below provides a list of 15 CAF Program regional orders considered in scope of the study, which may include National Pollutant Discharge Elimination System (NPDES) permits under the Clean Water Act (CWA, 33 United State Code [USC] § 1251 et seq.), WDRs, or Waivers of Waste Discharge Requirements (Waivers, CWC § 13269):

- R1-2019-0001
- R1-2012-0001/
CAG011001R4-
2021-0045-A02
- R2-2016-0031
- R2-2017-0043
- R2-2018-0046
- R5-2013-0122⁹
- R5-2016-0087-01
- R5-2017-0058
- R5-2011-0039
- R5-2010-0130
- R6T-2023-0006
- R7-2021-0029,
CAG017001
- R8-2018-0001,
CAG018001
- R9-2008-0130
- R9-2019-0005

State Winery Order¹⁰

Administered by Water Boards, the [State Winery Order \(SWO\)](#), [WQ 2021-0002-DWQ](#) which is a general WDR, aims to protect groundwater quality from the impacts of waste discharges from wineries and related facilities. The order encompasses a broad spectrum of requirements ranging from enrollment to detailed reporting and monitoring. This order includes requirements to reduce the environmental impact of around 2,100 wineries in California, with specifications for their operations, which involve producing wine or grape juice and the resultant waste discharges to protect water quality.

The focused scope of this study aims to provide proposals that are tailored to address specific challenges and opportunities within these key regulatory programs and requirements. The aim is to provide targeted proposals that are specific, measurable, actionable, relevant, and timely.

⁸ State Water Board adopted order no. [WQ 2023-0081](#) in a matter of review for R3-2021-0040 (otherwise known as Central Coast Region's Ag. Order 4.0). In the order, the State Water Board remands R3-2021-0040 back to the Central Coast Water Boards to make revisions. The current status of R3-2021-0040 and its requirements are still evolving and will likely continue to change.

⁹ The State Water Board adopted order no. [WQ 2018-0021](#) in the matter of review of R5-2013-0122. A subsequent order will be forthcoming addressing R5-2013-0122.

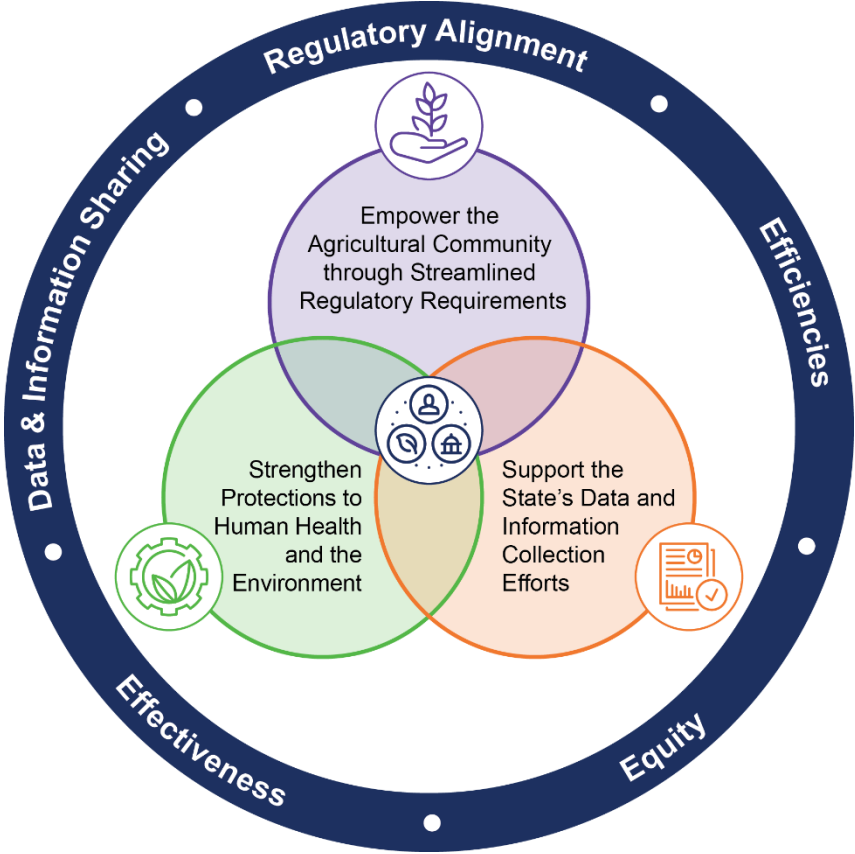
¹⁰ For discussion purposes, Crowe identifies the State Winery Order as a “program.”

2. Development of Proposed Regulatory Pathways

This Concept Paper focuses on two areas: ag-related food safety and water quality regulations in California. Crowe is mindful of the broader spectrum of regulations that apply to the agricultural community, including air quality, pesticide use, water usage, labor laws, and more. Crowe is also aware of criticisms of existing agricultural practices and the adequacy of the state’s efforts to protect human health and the environment.

Crowe’s approach, therefore, is about balancing the various sentiments and realities within the current regulatory landscape. **Exhibit 2** depicts Crowe’s approach to developing proposed regulatory pathways that address identified experiences and capitalize on opportunities to streamline the administrative and regulatory processes within these specific sectors, support the state’s data collection and information sharing efforts, and strengthen protections for human health and the environment through data and information sharing, efficiencies, effectiveness, and equity.

Exhibit 2
Overall Approach to Regulatory Alignment






A. Regulatory Alignment Goals

Understanding and defining regulatory alignment is crucial for understanding the benefits of the proposals for each program. Regulatory alignment, in the context of this Concept Paper, refers to streamlining regulatory programs and requirements within the areas of food safety and water quality. The primary goals 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.

Exhibit 3 provides additional details related to the regulatory alignment goals. These goals were validated and reinforced by the input and feedback Crowe received from program staff and agricultural community members. The experiences and insights shared were instrumental in confirming the direction of these goals.

Exhibit 3 Regulatory Alignment Goals

Goal	Description
<p>Empower the Agricultural Community through Streamlined Regulatory Requirements</p> 	<p>This goal involves streamlining and integrating regulatory processes within the areas of food safety and water quality to make compliance more straightforward and cost-efficient for the agricultural community. Empowerment in this context is also about recognizing that the agricultural community encompasses diverse and interconnected communities beyond those directly subject to regulatory oversight.</p> <p>This broad community includes farmers and farm workers, businesses, suppliers, researchers, advocates, educators, and local communities who all play an integral role in the vitality of the agricultural industry’s success and long-term sustainability.</p>
<p>Support the State’s Data and Information Collection Efforts</p> 	<p>Aligning regulatory programs within the areas of food safety and water quality empowers the state to collect pertinent data more effectively. This goal aims to support regulations that are informed by accurate and current information, leading to better-informed policy decisions. Effective data gathering is essential for the state to develop well-informed regulatory frameworks to accommodate change in practices and scientific understanding.</p> <p>Enhanced regulatory alignment can result in more precise and comprehensive data collection, which in turn aids in the formulation of better policies and regulations. Streamlined data collection benefits regulatory entities and the collective agricultural community. Accurate data gathering facilitates a deeper understanding of market trends, environmental impacts, and resource requirements, enabling the development of more focused and transparent policies and practices.</p>
<p>Strengthen Protections to Human Health and the Environment</p> 	<p>This goal of regulatory alignment aims to provide essential standards for public health and the environment, maintaining a critical balance between efficiency and safety. It is imperative that streamlining regulations does not undermine these vital standards, as they are foundational to protecting human health and the environment.</p> <p>Striking a balance between regulatory efficiency and the protection of public health and the environment is crucial. This balanced approach provides that regulatory alignment does not come at the cost of human health or ecological integrity. This goal promotes a comprehensive view of agriculture that values productivity, environmental stewardship, and health safety equally.</p>

B. Key Focus Areas

Building on the regulatory alignment goals outlined earlier, this section introduces the four key focus areas that form the foundation for the proposals. These focus areas, defined in **Exhibit 4**, are crucial for realizing regulatory alignment goals. Each focus area has been reinforced and validated through extensive input and various experiences shared by program staff and interested parties.

Exhibit 4 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 ranchers¹¹ in the development, implementation, and enforcement of regulations.

- **Data and Information Sharing:** Effective sharing of data is essential for informed decision-making and regulatory oversight. Crowe's proposals aim to establish mechanisms that facilitate seamless and secure data transfer, promote transparency and confidentiality, and enable more accurate and timely regulatory responses.
- **Efficiencies:** Simplifying these processes is vital for reducing the time and resources expended by the agricultural community on compliance. Crowe's proposals explore ways to eliminate redundancies, integrate overlapping processes, and leverage technology to achieve greater efficiency in regulatory procedures.
- **Effectiveness:** The proposals in this area aim to measure and enhance the performance of regulatory objectives and goals. The proposals under this focus area address the development of metrics and benchmarks to evaluate the success of regulatory programs, ensuring they align with the overarching objectives.
- **Equity:** Proposals in this area aim to address potential barriers to participation and compliance, ensuring that regulations are fair and do not disproportionately impact certain groups within the agricultural community. Proposals also aim to support environmental justice considerations, by exploring potential opportunities to reduce impacts of agriculture to surrounding communities.

Each of these focus areas is integral to achieving the overarching goals of regulatory alignment. The upcoming sections provide detailed rationale for proposed regulatory pathways to align with these key focus areas.

¹¹ As defined by the [Farmer Equity Act of 2017](#).

C. Rationale for Regulatory Pathways

Development of the regulatory pathways was grounded in comprehensive data collection, input, and experiences gathered since November 2022. The proposed regulatory pathways were informed by Crowe's preliminary evaluation of regulatory programs and requirements and extensive listening sessions held with the agricultural community. These efforts provided invaluable insights into the current regulatory landscape within the areas of food safety and water quality.

Preliminary Evaluation of Regulatory Requirements

By June 2023, Crowe evaluated the state's agricultural-related regulatory programs within the food safety and water quality areas. The scope of the evaluation was on how regulations are currently implemented, focusing on the people, processes, and technologies. Below are additional outcomes:

- **In-Depth Sessions with State Regulatory Staff:** Engaging in about 30 sessions with CDFA and Water Boards staff, Crowe staff gained a nuanced understanding of current practices, policies, and procedures. This included an examination of the processes and technologies used in regulatory programs like CDFA's PSP, Water Boards' ILRP, CAF Program, and SWO, which led to an understanding of current challenges and opportunities from the ongoing implementation perspective.
- **Mapping Regulatory Requirements and Processes:** These sessions allowed Crowe to map 80 distinct processes across the programs in scope of the study, offering a comprehensive view of the current regulatory landscape within the areas of food safety and water quality. This analysis was crucial in identifying areas where efficiencies could be introduced, effectiveness could be enhanced, and equity considerations could be better integrated.

Listening Sessions with the Agricultural Community

As of January 2024, Crowe completed nearly 70 listening sessions with various agricultural community groups, including individual farmers and ranchers, representatives from industry and commodity associations, water quality coalitions, environmental advocates, environmental justice advocates, non-profit groups, and researchers. Below are additional outcomes:

- **Understanding Experiences and Opportunities:** The sessions provided insight to the experiences and perspectives of the agricultural community and identified potential streamlining.
- **Ground-Level Insights:** These conversations offered a ground-level view of how regulations are implemented and experienced. The diverse range of voices, from small family farms to large businesses, enriched Crowe's understanding of the practicalities, challenges, and successes within the areas of food safety and water quality.
- **Continued Engagement with Program Staff:** Crowe conducted roughly 10 sessions with CDFA and Water Boards staff. Crowe gathered additional data, information, and support for the development of the proposals. This continued engagement helped formulate proposals that are informed by ground-level experiences and align with the scope of regulatory programs.

D. Mapping Regulatory Pathways

Crowe mapped proposals by each program's focus area. The maps depict where and how the proposals may impact current program processes. The proposals on the maps are identified through the RP numbers (e.g., RP1a, RP1b). The order and numbering of the proposals do not indicate prioritization. Maps are provided in **Appendix A**.

3. Proposed Regulatory Pathways for the Produce Safety Program

This section identifies proposed regulatory pathways related to the PSP. RPs are categorized into four groups aligned with the study’s focus areas – data and information sharing, efficiencies, effectiveness, and equity. **Exhibit 5** summarizes the proposed PSP RPs, which include three RPs related to data and information sharing, two RPs related to program efficiency, four RPs related to program effectiveness, and three RPs related to equity.

Exhibit 5
Produce Safety Program
Summary of Proposed Regulatory Pathways

ID	Regulatory Pathway	Page Number
Data and Information Sharing		
RP1	Support Farm Verification through the Collection of Selected Data through Enhanced Coordination with Third Parties, CDFA Programs, and Water Boards’ Water Quality Programs	10
RP2	Obtain and Use Shared Data from Relevant Entities to Prioritize Risk-Based Inspections Using the Produce Decision Analysis Tool (PDAT) Criteria	11
RP3	Obtain Compliance Information from Third-Party Auditors and Commodity Groups to Streamline Inspections	11
Efficiencies		
RP4	Optimize the Farm Data Repository to Incorporate Available Data into a Robust Risk Prioritization Model	12
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	13
Effectiveness		
RP6	Share Trends and Outcomes Resulting from Program Activities to Educate the Public on Food Safety Information	14
RP7	Assess Programmatic Activities through Robust Feedback Channels to Evaluate Program Performance and Educate Growers of Best Practices	15
RP8	Incentivize Growers to Engage with the Program to Promote Awareness and Trust in the Program	15
RP9	Establish Attainable Goals for Key Performance Indicators (KPIs) to Communicate Program Performance	15
Equity		
RP10	Align Programmatic Outreach Activities with the Farmer Equity Act to Foster an All-Inclusive Approach to Program Implementation and Regulation	16
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	17
RP12	Evaluate the Ability to Coordinate Inspection Timelines with Other Relevant Audits or Inspection Entities to Reduce Time Impact of Inspections for Growers	17

Crowe recognizes the distinct directives that PSP staff must comply with as a Path B grantee under the U.S. Food and Drug Administration's (FDA) Cooperative Agreement Program (CAP). The PSP staff may need to collaborate with the FDA to further refine the proposed RPs in this section. They may also need to assess the legal limitations and the feasibility of obtaining FDA approval prior to advancing the proposed RPs and implementing their specific implementation opportunities. Crowe also acknowledges that PSP staff and interested parties may need to consider existing privacy regulations to implement some of the RPs described in this section. **Appendix B** highlights examples of state and federal regulations that may restrict information sharing between state agencies and third parties.

The proposals presented in this section are preliminary and subject to further refinement. In many cases, the proposals described in this section aim to advance or enhance existing activities that CDFA staff and their partners have already started, as described in **Exhibit 6**. Crowe acknowledges that implementing these proposals may require additional resources and there may be other constraints or barriers that need to be addressed for successful implementation.

Crowe plans to gather the necessary information through workshops and other feedback mechanisms to ensure comprehensive understanding of the proposals and their potential implications. This will enable Crowe to identify actionable implementation steps and refine the proposals accordingly as part of the next phase of the Study.

Exhibit 6

Produce Safety Program

Summary of Highlighted Key Activities

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 provide a safe and quality food supply for all consumers.

Release of various functionality is planned to deploy in phases.

- Minimum Viable Product (MVP) is planned for release in early 2024. Phase 1 functions for California growers include: access to farm data collection on one's own farm, a login to online account, an option to recover username/password, the ability to update farm business information.
- Phase 2 functions for California growers include: access to view inspection results for one's farm and respond to any action requests as needed, the ability to upload any requested documents, and the ability to send and respond to messages within the system.
- Phase 2 functions for CDFA and California Growers include: accessible, searchable, and accurate database, robust reporting on one's own or aggregated farm inspection data, ability to verify and update records in one central location, ability to analyze multiple risk-based prioritization criteria (algorithm and risk criteria is based on FDA's PDAT).

Reference the [Produce Safety Program Portal](#) to see more on this phased launch approach.

A. Data and Information Sharing

This subsection describes three proposed RPs aimed at improving the exchange of selected data and information between state regulatory agencies and programs. **Exhibit 7** through **Exhibit 9** describe proposed RPs and RP opportunities.

Exhibit 7 PSP Regulatory Pathway 1

RP1: Support Farm Verification through the Collection of Selected Data through Enhanced Coordination with Third Parties, CDFA Programs, and Water Boards' Water Quality Programs

This proposal aims to streamline farm verification activities by obtaining selected data from relevant entities that gather information, which may inform the development of PSP's Composite Farm List. The Composite Farm List currently comprises information gathered from the CDFA State Organics Program, California Agricultural Commissioners and Sealers Association (CACASA), and the CDFA Direct Marketing Program. A more exhaustive Composite Farm List could potentially decrease PSP staff's manual review and validation of information collected in the Composite Farm List. Specific opportunities for this proposal may include:

- **RP1a:** 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 **RP1a:**
 - **RP1b:** 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.
 - **RP1c:** 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.
 - **RP1d:** Coordinate with ILRP Coalitions to obtain routine listings of enrollees as a data input for an up-to-date Composite Farm List.
 - **RP1e:** 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. Information sharing governance should be determined through an agreement between both agencies.

Options to implement this proposal include:

- Share information and data related to farms based on a standardized unique identifier established by the State to provide accurate transfer of information that can be reconciled easily.
- Establish a cloud-based data sharing mechanism to connect and integrate PSP's Farm Data Repository with relevant CDFA agricultural program databases (e.g., State Organics Program Portal) to share selected data on a routine basis.
- Appoint a PSP Communication Liaison to coordinate directly with relevant agency staff at the Water Boards to obtain selected data and related documentation on a routine basis. PSP staff may encourage both the Water Boards and Coalitions to similarly appoint staff.
- Modify existing interagency agreements (e.g., memorandum of understanding) between Water Boards and CDFA to facilitate the sharing of information that aids PSP farm verification activities while also protecting growers' privacy.
- Establish a shared list of publicly available (excluding individuals enrolled anonymously) grower information between CDFA and Water Boards to streamline PSP farm verification and Water Boards water quality program enrollment processes.

Exhibit 8 PSP Regulatory Pathway 2

RP2: Obtain and Use Shared Data from Relevant Entities to Prioritize Risk Based Inspections Using the Produce Decision Analysis Tool (PDAT) Criteria

This proposal aims to streamline prioritization and inspection activities through increased data and information sharing between relevant entities (e.g., CAF Program, third-party auditors, commodity groups). Information gathered from these entities, such as participation in commodity groups, participation in food safety audits, or adjacent land use, could help prioritize inspection of the facilities with the highest risk to public health. Specific opportunities for this proposal may include:

- **RP2a:** 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 **RP2a:**
 - **RP2b:** 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. The development of the map will be contingent on a legal agreement that provides the map remain internal to regulators. The purpose of the map is to assist PSP staff with relevant risk prioritization decisions, as produce farms located closer to CAF facilities may be more susceptible to contamination by food-borne pathogens.
 - **RP2c:** 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. Growers participating in third-party audits are likely already implementing food safety best practices in alignment with those audit requirements. These growers are likely lower risk than growers that are not a part of any audit programs. Further, if they have already been inspected and passed, this may also indicate a lower risk.
 - **RP2d:** Establish a partnership with commodity groups (e.g., LGMA and CCAB) to electronically transmit lists of growers' last inspection outcomes and/or dates. Similarly, growers participating in commodity groups are likely already implementing food safety best practices in alignment with those commodity group requirements. These growers are likely lower risk than growers that are not a part of any commodity groups. Further, if they have already been inspected and passed, this may also indicate a lower risk.

Exhibit 9 PSP Regulatory Pathway 3

RP3: Obtain Compliance Information from Third Party Auditors and Commodity Groups to Streamline Inspections

This proposal aims to streamline inspection activities by using growers' food safety compliance certificates obtained from third-party and commodity group audits as a means to verify PSR compliance, thereby potentially eliminating the need for a separate PSP inspection. CDFA should consider working with the FDA to determine alignment of third-party and commodity group audits schemes aligned with PSR requirements. Specific opportunities for this proposal may include:

- **RP3a:** 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 **RP3a:**
 - **RP3b:** Obtain monthly lists of growers who have demonstrated compliance with third-party and commodity group audits to demonstrate full or partial PSR compliance. Growers would provide authorization to provide audit results directly with PSP staff.
 - **RP3c:** 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.

B. Efficiencies

This subsection describes two regulatory pathways to simplify and expedite PSP-related regulatory administrative, reporting, and compliance processes. **Exhibit 10** and **Exhibit 11** describe proposed RPs and RP opportunities to simplify and expedite PSP-related regulatory administrative, reporting, and compliance processes.

Exhibit 10 PSP Regulatory Pathway 4

RP4: Optimize the Farm Data Repository to Incorporate Available Data into a Robust Risk Prioritization Model

This proposal aims to streamline the collection and evaluation of data to increase the efficiency of risk profiling and improve the effectiveness of inspection prioritization efforts. By minimizing the time needed to evaluate relative farm risk, PSP staff could optimize the use of their limited resources and dedicate more time to the inspections most likely to protect human health and support food safety. Specific opportunities for this proposal may include:

In alignment with Phase 2 of the Farm Data Repository:

- **RP4a:** 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 establishes risk criteria (e.g., Priority Commodities, Adjacent Land Use, Approximate Farm Acreage, and PSA Grower Training Attendance).
 - Use the PDAT model as-is with one-time usage per risk-prioritization effort and upload results to the Farm Data Repository.
 - Create an application within the Farm Data Repository which is enhanced by the creation of a specific "Risk Profile" data field in the app – a value output through the aggregation of PDAT criteria and stored per farm on the Repository. This field could be used in filters and queries related to farm data. In this instance, PSP staff could use the app to aggregate, sort, and filter information such as outbreak history, type of produce grown, GIS location, and participation in third-party food safety audits to optimize risk profiling and inspection prioritization and automatically assign inspections to team members.
- **RP4b:** 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, and the Farm Data Repository regularly updated. This could include farmers self-submitting this information or coordination with other entities, such as third-party audit programs, CAF program, and other relevant programs to obtain information.

Exhibit 11 PSP Regulatory Pathway 5

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

This proposal aims to streamline the ability of growers to understand their coverage status under PSR and standardize inputs for the Composite Farm List through the development of a 'Coverage Tool' and an 'OFRR Request Tool.' These tools would be directly accessible by individual growers and PSP staff to assist growers in understanding their coverage status under PSR as well as create an additional input for the Composite Farm List with automated, standardized data outputs. In addition, this systems-based collection of On-Farm Readiness Review (OFRR) requests may streamline currently manual process. Specific opportunities for this proposal may include:

- **RP5a:** Develop a 'Coverage Tool' to be built on the Farm Data Repository and automatically share results with PSP staff. The results from the 'Coverage Tool' could be an acceptable method of farm verification.
- **RP5b:** Develop an '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.

An option to implement this proposal includes:

- Model a 'Coverage Tool' off the developments from other states' Produce Safety Programs. Other states (e.g., Michigan¹², Oregon¹³, Alaska¹⁴) currently use concise online forms (typically 10 questions or less) to automate data collection for their programs. PSP staff could develop a similar form, leveraging a flowchart provided by the FDA¹⁵ to build logical steps into a form. This approach could create a detailed, reliable, and robust form to collect targeted data responses for PSP. Essentially, PSP staff could incorporate questions asked by the independent contractor to gather pertinent information for coverage decisions, such as annual produce sales and commodities grown. Based on the responses to these questions, growers follow various paths to ultimately arrive at a data-based, automated coverage decision. This decision is then automatically shared with PSP staff, streamlining the process, and enhancing efficiency.

¹² [Michigan Department of Agriculture and Rural Development Produce Safety Tool](#)

¹³ [Oregon Department of Agriculture FSMA Produce Safety Rule Decision Tool](#)

¹⁴ [State of Alaska Division of Environmental Health FSMA Produce Safety Rule Farm Coverage Tool](#)

¹⁵ [Standards for Produce Safety: Coverage and Exemptions/Exclusions for 21 Part 112](#)

C. Effectiveness

This subsection describes four regulatory pathways to measure PSP performance objectives and goals. **Exhibit 12** through **Exhibit 15** describe proposed RPs and RP opportunities.

Exhibit 12 PSP Regulatory Pathway 6

RP6: Share Trends and Outcomes Resulting from Program Activities to Educate the Public on Food Safety Information

This proposal aims to streamline the analysis and communication of the outcomes and trends of current produce safety data in California to the public (e.g., statistics on outbreaks, recalls, number of inspections performed, common violations). Sharing this data would communicate the effectiveness of the program and demonstrate its value in ensuring compliance with PSR as well as reducing foodborne illness associated with the consumption of contaminated produce, which is the primary objective of the PSR. This is done by measuring and assessing KPIs as specified in the CAP. Specific opportunities for this proposal may include:

- **RP6a:** Present historical and current data in an accessible dashboard on the PSP website to demonstrate program effectiveness through trend analysis.
- **RP6b:** 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.
- **RP6c:** 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.

Options to implement this proposal include:

- Model the dashboard based on similar FDA Compliance Dashboard Tools and Datasets. General inspection data (e.g., Farm Name, Citation, Inspection Classification) for various FDA Inspection Programs is displayed on a public dashboard on the FDA website¹⁶. PSP should consider developing a dashboard inspired by the FDA's model, capitalizing on its established, familiar structure to align the implementation and presentation of the dashboard with a system that may already be recognized by FDA, PSP, and the public. This may facilitate knowledge sharing and setup from FDA to PSP, enhancing user engagement and efficiency.
 - This dashboard could provide visualizations (line graphs, bar charts, downloadable/public data sets) and align with Web Content Accessibility Guidelines.¹⁷ Greater transparency on program objectives and goals could increase public trust in the program, display PSP-issued citations to interested parties in the food safety system, and address growers' confidentiality concerns.
- Use all available program data and information to measure OFRRs from internal data sources. PSP staff indicated that OFRRs are not currently used to demonstrate the ability of an OFRR to correct poor agricultural practices on-farm. Meaning, OFRR observation information and subsequent inspection information are not compared. PSP staff should consider tracking additional KPIs (observations made during OFRR, practices corrected by inspection) related to OFRRs to demonstrate their ability to educate and correct agricultural practices. This information can be added to a PSP dashboard previously mentioned.
- Share food safety trends for the public. Displaying programmatic trends would help convey the program's effectiveness in protecting human health and the environment. Environmental Justice groups and other interested parties would benefit from having program and inspection information publicly available.

¹⁶ [FDA Inspection Dashboard](#)

¹⁷ [Web Content Accessibility Guidelines \(WCAG\) 2.1](#)

Exhibit 13 PSP Regulatory Pathway 7

RP7: Assess Programmatic Activities through Robust Feedback Channels to Evaluate Program Performance and Educate Growers of Best Practices

This proposal aims to streamline the receipt and delivery of feedback to ultimately evaluate program performance and educate growers to reinforce on-farm best practices. Creating feedback channels may help the program better align with CAP Objectives as well as meet the PSR objective, on a consistent basis. This approach could help reinforce the program's operational effectiveness, ensuring it goes beyond just administrative processes. Specific opportunities for this proposal may include:

- **RP7a:** 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.
- **RP7b:** 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.

Exhibit 14 PSP Regulatory Pathway 8

RP8: Incentivize Growers to Engage with the Program to Promote Awareness and Trust in the Program

This proposal aims to streamline program engagement and participation by creating positive incentives with growers to ultimately support awareness, trust and overall federal (FDA - FSMA, PSR) and state (PSP) goals. Marketing materials, risk profile reduction, and recognition programs are ways to improve current incentivization activities and further promote meeting CAP objectives (i.e., creating a farm inventory with 100 percent of produce farms in CA, prioritize inspections). Specific opportunities for this proposal may include:

- **RP8a:** 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.
- **RP8b:** Establish a 'Recognition Program' for individuals who are helping other growers in their community with produce safety compliance.

Exhibit 15 PSP Regulatory Pathway 9

RP9: Establish Attainable Goals for Key Performance Indicators (KPIs) to Communicate Program Performance

This proposal aims to streamline program performance measurement by establishing realistic, attainable, dynamic KPI goals for PSP. Under the CAP, there are numerous measures that PSP staff must report to the FDA as a way to track program performance and adjust funding. Exact goals for these measures, however, are not stated in the CAP and may not account for current events in the agricultural sector. PSP staff should encourage FDA to create goals and adjust them as needed to properly measure the ability of the program to meet CAP objectives pertaining to program assessment and planning activities. Specific opportunities for this proposal may include:

- **RP9a:** Allocate PSP resources strategically to evaluate progress towards KPI goals, and twice annually relay these advancements to the FDA, discussing potential adjustments as necessary.
- **RP9b:** Measure additional KPIs to communicate progress on education, outreach, and outcomes from inspections internally to PSP staff and externally to FDA staff.

An option to implement this proposal includes:

- Adjust KPIs goals to consider current events impacting the agricultural community. Through the development of attainable goal setting for KPIs, the program could consistently set realistic benchmarks by using all data and information collected to make well-informed decisions. PSP staff indicated that, for numerous reasons, meeting the objectives outlined in the Cooperative Agreement has proven difficult.

D. Equity

This subsection describes three regulatory pathways to ensure the inclusion of small-scale, socially disadvantaged dischargers and communities in the development, implementation, and enforcement of PSP regulations. **Exhibit 16** through **Exhibit 18** describe proposed RPs and RP opportunities.

Exhibit 16 PSP Regulatory Pathway 10

RP10: Align Programmatic Outreach Activities with the Farmer Equity Act to Foster an All Inclusive Approach to Program Implementation and Regulation

This proposal aims to align actions with values and goals stated in the Farmer Equity Act (AB-1348) which ensures “the inclusion of socially disadvantaged farmers and ranchers, including socially disadvantaged farmers and ranchers in urbanized areas, in the development, adoption, implementation, and enforcement of food and agriculture laws, regulations, and policies and programs.” Specific opportunities for this proposal may include:

- **RP10a:** 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).
- **RP10b:** 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.
- **RP10c:** Provide inspection forms, resources, web-based data systems, and portals in multiple languages.
- **RP10d:** 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).
- **RP10e:** 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. Studies show DACs are disproportionately affected by foodborne illness due to poor food safety practices of retailers in disadvantaged communities, cultural food preparation practices, and weakened and/or compromised immune systems of individuals in these communities.^{18 19}

¹⁸ [Food Safety Knowledge and Practice in Low-income Families in the United States: An Exploratory Study, 2020](#)

¹⁹ [Foodborne Illness: Another Way the Poor Pay More, 2020](#)

Exhibit 17

PSP Regulatory Pathway 11

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

This proposal aims to streamline the development of a culturally appropriate process for scheduling inspections for small-scale, socially disadvantaged, and limited-English growers that considers various factors that enhance inclusivity and understanding. Specific opportunities for this proposal may include:

- **RP11a:** 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.
- **RP11b:** 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.
- **RP11c:** 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.

Exhibit 18

PSP Regulatory Pathway 12

RP12: Evaluate the Ability to Coordinate Inspection Timelines with Other Relevant Audits or Inspection Entities to Reduce Time Impact of Inspections for Growers

This proposal aims to streamline small-scale, disadvantaged growers' inspection and audit schedule by allowing the grower to request a coordinated inspection/audit scheduling between PSP and other audits (e.g., third-party auditors, commodity groups). Coordinating across inspections may decrease the total time growers spend participating in inspections without impacting compliance, in addition to allowing growers to spend more time managing their farms, especially during harvest season. Small-scale, socially disadvantaged growers often have both compliance and farm management responsibilities. Specific opportunities for this proposal may include:

- **RP12a:** 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 RP12a:
 - **RP12b:** Allow small growers to request coordinated inspection/audit scheduling between PSP inspectors and third-party audits.
 - The request for consolidation (including preferred time) could be made during initial outreach or during a verification phone call.
 - The request for consolidation (including preferred time) could be made through an online tool (e.g., Microsoft Forms) housed on the PSP website.
 - The request for consolidation (including preferred time) could be made through a customized solution where general farm information or inspection reports are housed.
 - **RP12c:** 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.
 - **RP12d:** 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.

4. Proposed Regulatory Pathways for the Irrigated Lands Regulatory Program

This section identifies proposed regulatory pathways (RPs) related to the Irrigated Lands Regulatory Program (ILRP). RPs are categorized into four groups aligned with the study’s focus areas – data and information sharing, efficiencies, effectiveness, and equity. **Exhibit 19** summarizes the RPs, which include five RPs related to data and information sharing, three RPs related to program efficiency, four RPs related to program effectiveness, and four RPs related to equity.

Exhibit 19
Irrigated Lands Regulatory Program
Summary of Proposed Regulatory Pathways

ID	Regulatory Pathway	Page Number
Data and Information Sharing		
	Streamline Reporting, Inspection, and Data Collection Activities through Enhanced Internal	20
RP2	Streamline Enrollment, Inspection, and Data Collection Activities through Enhanced Collaboration with Other Regulatory Agencies	21
RP3	Standardize Discharger Reporting Templates to Remove Collection of Potentially Duplicative Information within the Program	21
RP4	Expand Capacity for Ongoing GeoTracker Maintenance and Functionality Updates to Ensure the Database Continues to Meet the Needs of All Users	22
RP5	Improve Database Integration to Streamline Reporting Processes and Reduce Manual Data Entry	22
Efficiencies		
RP6		23
RP7	Expand Tools and Training to ILRP Staff to Optimize Monitoring, Reporting, and Inspection Activities	24
RP8	Encourage Uniform Electronic Reporting Across Regional Water Boards to Streamline Data Collection, Analysis, and Review Activities	24
Effectiveness		
RP9	Improve Communication of Program Objectives to Promote Transparency and Accountability	25
RP10	Enhance Ongoing and Frequent Feedback to Dischargers to Foster Continuous Improvement	26
RP11	Incorporate More Positive Incentives for Activities that Promote Program Objectives	26
RP12	Refine Statewide Key Performance Indicators (KPIs) to Evaluate Program Performance and Communicate Outcomes	27
Equity		
RP13	Provide Options for Alternative Compliance Pathways for Small-Scale, Socially Disadvantaged Dischargers	28
RP14	Expand Technical Assistance Resources to Small-Scale, Socially Disadvantaged Dischargers	29
RP15	Develop Targeted Education and Outreach Efforts to Small-Scale, Socially Disadvantaged Dischargers	30
RP16	Provide Additional Resources and Program Support for Small, Disadvantaged Communities	30

According to the ILRP Annual Performance Report for FY 2022-23, California has about eight million estimated acres of irrigated land statewide, with over six million acres enrolled in the program. About 84 percent of all irrigated acreage enrolled in the ILRP is located in the Central Valley Region. ILRP, though a statewide program, is implemented at a regional level by the Regional Water Boards through separate WDRs. Coalitions also play a significant role in supporting dischargers with monitoring and reporting. Recognizing this is important for understanding the intricacies across different regions, regulatory frameworks, or even coalition groups, when providing realistic and actionable proposals.

The proposals presented in this section are preliminary and subject to further refinement. In many cases, the proposals described in this section aim to advance or enhance existing activities that Water Boards staff and their partners have already started, as described in **Exhibit 20**. Crowe acknowledges that implementing these proposals may require additional resources. Moreover, there may be other constraints or barriers that need to be addressed for successful implementation.

Crowe plans to gather the necessary information through workshops and other feedback mechanisms to ensure comprehensive understanding of the proposals and their potential implications. This will enable Crowe to identify actionable implementation steps and refine the proposals accordingly as part of the next phase of the Study.

Exhibit 20

Irrigated Lands Regulatory Program

Summary of Highlighted Key Activities

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.

Since the ESJ Order, Regional Water Boards have developed agricultural orders that include the precedential requirements. This alignment of requirements across the Regional Water Boards has created opportunities for enhanced monitoring, improved management practices, and comprehensive trend and data analysis across the regions.

As of FY 2022-23, about 81 percent of the state’s total irrigated acreage is enrolled in the ILRP. With increased use of GeoTracker, some Regional Water Boards have been able to monitor and share program progress and performance. An example of this is the Central Coast Region’s [ILRP Dashboard](#). Coalition partnerships continue to play a crucial role in the program, serving as intermediaries between dischargers and ILRP staff, supporting dischargers with monitoring and reporting, and facilitating communication, collaboration, and data analysis support.

A. Data and Information Sharing

This subsection describes five proposed RPs aimed at improving the exchange of selected data and information between state regulatory agencies and programs as part of the ILRP. **Exhibit 21** through **Exhibit 25** describe proposed RPs and RP opportunities.

Crowe acknowledges that existing privacy regulations must be considered in the implementation of these proposals. The current ILRP Coalition structure provides a level of anonymity and protection to individual grower information. Thus, sharing of data and information between different groups must be carefully considered to ensure that proper data governance, protection, and confidentiality are upheld when necessary. Additional examples of key state and federal regulations that should be considered in relation to the program are provided in **Appendix B**.

Exhibit 21 ILRP Regulatory Pathway 1

RP1: Streamline Reporting, Inspection, and Data Collection Activities through Enhanced Internal Collaboration Between Other Water Boards' Water Quality Programs

This proposal aims to streamline data collection and information sharing activities across agricultural-related water quality programs through enhanced internal collaboration between Water Boards' ag-related programs, such as SWO, CAF Program, and others. From Crowe's analysis, there may be potential collection of duplicative data with ILRP and other water quality programs for information such as: owner name, contact information, county, crop types, etc. The collection of duplicative information across water quality programs not only creates additional challenges for dischargers, but also creates additional work for regulators across programs. Further, with more data sharing across Water Boards' water quality programs, ILRP staff can better align and coordinate activities such as inspections, enforcement actions, and/or communication with dischargers. Specific opportunities for this proposal may include:

- **RP1a:** Build on existing ILRP, CAF, Stormwater, and/or other agricultural related program roundtables to optimize communication and information sharing between program staff. The roundtables meet regularly to share information on relevant program updates and coordinate on data collection efforts to streamline requirements and/or administrative processes. The venues provide an opportunity for staff to discuss program-related issues.
- **RP1b:** Strengthen existing intra-agency collaboration tools (e.g., MS Teams Channels, Listservs, and SharePoint Pages) to facilitate active coordination and communication between ag-related water quality programs.
- **RP1c:** Coordinate site inspections with staff from other relevant ag-related water quality programs. If various water quality programs were able to coordinate inspections so that multiple inspectors could visit the site at the same time, this could reduce the number of times a discharger is inspected per year. Additionally, it could save resources if inspectors travel together.

Exhibit 22

ILRP Regulatory Pathway 2

RP2: Streamline Enrollment, Inspection, and Data Collection Processes through Enhanced Collaboration with Other Regulatory Agencies

This proposal aims to streamline enrollment, inspection, and data collection activities through enhanced collaboration with external partners such as California Department of Pesticide Regulation (DPR), CACASA²⁰, California Department of Water Resources (DWR), CDFA, and others to allow for better data sharing across agencies while still maintaining proper data governance and sensitivity to protect discharger confidentiality. Increased collaboration across regulatory agencies to share data and information could remove the discharger's need to submit duplicative information to multiple agencies. Specific opportunities for this proposal may include:

- **RP2a:** 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.
- **RP2b:** Map data definitions and database structures between agencies to facilitate better interagency alignment for data and information sharing.
- **RP2c:** 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.
- **RP2d:** Coordinate site inspections between Water Boards' and other regulatory agencies. Provide ILRP staff and regulatory partners access to shared inspection information that may inform inspection planning, scheduling, and coordination (e.g., coordinate future site inspections across agencies to reduce the number of individual inspections, spread out inspections if a site was visited recently).

Exhibit 23

ILRP Regulatory Pathway 3

RP3: Standardize Discharger Reporting Templates to Remove Collection of Potentially Duplicative Information within the Program

This proposal aims to streamline the ILRP reporting activities by removing collection of potentially duplicative information. While some reporting templates within the program are standardized across the state, such as the Irrigation and Nitrogen Management Plan (INMP) Worksheet and Summary Report, there are several other reports which are not. A common challenge heard during the listening sessions was that small nuances across reports add confusion to what is expected under reporting requirements across regions, which creates unclear expectations of what is required. Further, many dischargers reported that they are providing the same information multiple times throughout the program's various reports. This leads to additional time to complete the reports required under the program. Specific opportunities for this proposal may include:

- **RP3a:** 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.
- **RP3b:** 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.
- **RP3c:** Standardize the report naming conventions (e.g., Farm Plan v. Farm Evaluation) across Regional Water Boards.
- **RP3d:** Align terms and report data fields across Regional Water Boards. Create a single state-wide reporting template for each key report within the program, with the option for region-specific requirements to be included as separate attachments to the base report templates.

²⁰ Coordination and collaboration with CACASA may require additional considerations, understanding it is a local partner.

Exhibit 24

ILRP Regulatory Pathway 4

RP4: Expand Capacity for Ongoing GeoTracker Maintenance and Functionality Updates to Ensure the Database Continues to Meet the Needs of All Users

This proposal aims to increase resources dedicated to managing and improving GeoTracker over time to ensure optimal functionalities for all users. Specific opportunities may include:

- Enhance functionality and ongoing maintenance to GeoTracker to:
 - **RP4a:** Improve discharger user experiences when entering data and information.
 - **RP4b:** Improve Coalition user experiences when entering data and information.
 - **RP4c:** Provide optimal use by Water Boards' ILRP staff.
 - **RP4d:** Provide easy navigation and access to publicly available data and information through the system.

Options to implement this proposal include:

- Invest in additional training and development opportunities for existing employees to enhance their skills and knowledge in utilizing and managing GeoTracker. This can empower staff to expedite potential challenges, such as report submission inquiries by Coalitions and dischargers.
- Increase the current GeoTracker maintenance team's contract hours to respond to ongoing ILRP-specific database maintenance and functionality updates. This may support further reduction in the existing backlog of tickets.

Exhibit 25

ILRP Regulatory Pathway 5

RP5: Improve Database Integration to Streamline Reporting Processes and Reduce Manual Data Entry

This proposal aims to streamline the reporting process to enhance integration and interoperability of existing databases maintained by the Water Boards and Coalitions. Currently, there may be up to four different reporting portals under ILRP, including GeoTracker, California Environmental Data Exchange Network (CEDEN), California Integrated Water Quality System (CIWQS), or a Coalition portal, in addition to traditional reporting methods such as email or mail. This is challenging for many ILRP participants as they have to learn how to navigate each system and remember separate logins. With greater database integration, there could be a reduction of the number of databases in which participants are expected to submit information. Specific opportunities for this proposal may include:

- **RP5a:** Support Coalition-managed portals²¹ 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.
- **RP5b:** Uplift GeoTracker as the centralized 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 where:
 - **RP5b2:** GeoTracker takes on the functionality of CIWQS for discharger permit fee payment and/or invoice statuses, discharger inspection reports, discharger penalties, and notices or enforcement actions. If this is not possible, GeoTracker is able to share a direct system connection with CIWQS in which data flows through a one-way interface from CIWQS to GeoTracker.
 - **RP5b3:** GeoTracker and CEDEN share a direct system connection in which data flows through a one-way interface from CEDEN to GeoTracker. Examples of data shared from CEDEN to GeoTracker includes surface water monitoring data results, lab samples, toxicity tests and more that could be integrated within GeoTracker location functionality.
 - **RP5b4:** GeoTracker and Electronic Content Management (ECM) continue to share information through a direct system connection.

²¹ Not all Coalitions have portals.

B. Efficiencies

This subsection describes three regulatory pathways to simplify and expedite ILRP-related regulatory administrative, reporting, and compliance processes. **Exhibit 26** through **Exhibit 28** describe proposed RPs and RP opportunities to simplify and expedite ILRP related regulatory administrative, reporting, and compliance processes.

Exhibit 26 ILRP Regulatory Pathway 6

RP6: Implement Tools and Resources on All Regional Water Board Websites to Raise Awareness of Program Updates and Requirements

This proposal aims to streamline the reporting, communication, and education activities by enhancing the functionality of Regional Water Board websites through implementation of user-friendly navigation and access to current information. Standardization of tools and resources available on all regional websites would further support dischargers' awareness, understanding, and likely compliance with regulatory requirements. Specific opportunities²² for this proposal may include:

- **RP6a:** Develop requirements checklists and/or calendars on Regional Water Board and Coalition websites to include a list of requirements and their deadlines. Dischargers or members of the public can generate a customized list based on specific discharger circumstances by answering a few questions.
- **RP6b:** Expand database user guides, frequently asked questions, and/or video tutorials which provide helpful tips for using databases and responses to frequently asked questions.
- **RP6c:** Provide direct links to downloadable report templates and calculation worksheets. The format of these templates should allow for completion digitally, such as Portable Document Format (PDF) fillable forms so that dischargers are not required to print the templates. The calculation worksheets could assist with calculations required in reports (e.g., TNA spreadsheet).
- **RP6d:** 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.
- **RP6e:** 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. The shared mailbox offers convenient access to multiple program staff, facilitating easier communication and follow-up on various matters. Provide a link to the email box on the website.

²² Some Regional Water Board websites already provide some or all of these resources and/or tools.

Exhibit 27 ILRP Regulatory Pathway 7

RP7: Expand Tools and Training to ILRP Staff to Optimize Monitoring, Reporting, and Inspection Activities

This proposal aims to streamline reporting, inspection, and enforcement activities by enhancing the tools and training available to ILRP staff. Specific opportunities for this proposal may include:

- **RP7a:** Provide additional training for ILRP staff to enhance understanding of common and emerging agricultural practices. This could include additional on-site/on-field visits. By improving their knowledge and expertise, ILRP staff can more effectively develop requirements and implement Monitoring and Reporting Programs (MRP) that reflect current industry practices and encourage evolving sustainable approaches.
- **RP7b.** Provide additional inspection tools (geolocation software and tablets) to enhance efficiency and effectiveness in the field. These tools can enable real-time data collection, digital record-keeping, and streamline communication. It could potentially eliminate the need to copy handwritten information from inspection forms into databases.
- **RP7c:** 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. Currently about 50 percent of reports are submitted through mail or email in a hand-written paper or PDF form (with a non-electronic deliverable format [non-EDF]). In many cases, when reports are submitted as paper or PDFs, ILRP staff are required to manually enter data from the reports into databases. This proposal considers potential legal implications of implementing a new tool that assists ILRP staff with transcription of written or non-EDF report into databases, to save ILRP staff time needing to interpret reports and manual enter information into databases.

Exhibit 28 ILRP Regulatory Pathway 8

RP8: Encourage Uniform Electronic Reporting Across Regional Water Boards to Streamline Data Collection, Analysis, and Review Activities

This proposal aims to streamline the data collection, analysis, and review activities through implementation of a standardized electronic reporting system across all regions. When participants across different regions use standardized data submission formats and report tools, the process is simplified, especially for dischargers that have parcels across different regions. It is important to note that this proposal does not eliminate other reporting methods. Non-electronic options to submit reports and data should remain available to dischargers with limited technological literacy and access. However, this proposal may remove the need for dischargers to remember multiple logins and switch between multiple database systems by encouraging dischargers to use the same, single database to submit reports across regions. Specific opportunities for this proposal may include:

- **RP8a.** Establish an electronic reporting and management process for the program. Clearly define the data elements, formats, and quality standards that are expected of participants when submitting data and reports. Offer technical assistance for those that may need additional support with utilizing new reporting tools. This could align with **RP5a** which offers Coalition-managed portals as the single data and information collection tool for dischargers. Greater alignment of discharger data submittal and report tools across regions ensures greater consistency in the format and structure of information collected by the state.
- **RP8b.** Collaborate with Coalitions to reward dischargers who consistently submit high-quality and timely data and reports. This can potentially include credit towards education and outreach requirements, special recognition, or other incentives.

C. Effectiveness

This subsection describes four regulatory pathways to measure ILRP performance objectives and goals. **Exhibit 29** through **Exhibit 32** describe the proposed RPs and RP opportunities.

Crowe recognizes the distinct Coalition structure of the ILRP, which provides a level of anonymity and protection to individual grower information for most regions. Given this structure, close collaboration between ILRP staff and Coalitions will be essential to assess the feasibility of the proposals described below. Crowe anticipates discussions involving ILRP staff, Coalitions, members of the agricultural community, and other interested parties will be facilitated to assess the feasibility and implementation considerations.

Exhibit 29 ILRP Regulatory Pathway 9

RP9: Improve Communication of Program Objectives to Promote Transparency and Accountability

This proposal aims to streamline communication activities by enhancing communication of ILRP objectives to all interested parties. Dischargers expressed challenges identifying and understanding the current ILRP objectives and goals. This proposal aims to provide additional clarity and understanding across different groups to promote compliance while offering more transparency and accountability. Specific opportunities for this proposal may include:

- **RP9a:** Expand messaging to improve communication of the program objectives. Enhance the current [ILRP Informational Handout](#) on the State Water Board's [ILRP website](#) to include the program objectives. Ensure that the handout provides clear and concise information about the program and that it can be translated into multiple languages to ensure that the message is easily understood by all parties.
- **RP9b:** Vary communication channels to reach different interested parties effectively. Enhance current communication channels through email listservs, newsletters, social media platforms, websites, and webinars or meetings to optimize the channels that parties are most likely to engage with.
- **RP9c:** Periodically refine program design and objectives when new data compels refinement. This may include monitoring recent studies, outcomes from expert panels, and other relevant sources of information to ensure that the program remains aligned with the latest scientific knowledge and best practices.
- **RP9d:** Strengthen partnerships with Coalitions who can help communicate program objectives to a wider audience. Leverage their support and influence to amplify the communication of program objectives. Provide regular updates and progress reports to Coalitions on the program statewide to keep parties informed about the program's achievements, challenges, and future plans.

Exhibit 30 ILRP Regulatory Pathway 10

RP10: Enhance Ongoing and Frequent Feedback to Dischargers to Foster Continuous Improvement

This proposal aims to streamline the enforcement processes by enhancing the current feedback mechanisms between ILRP staff, Coalitions, and dischargers through real-time feedback. Because of the anonymous reporting under the program for many regions, ILRP staff should work closely with Coalitions to help communicate continuous real-time feedback to dischargers. This will facilitate prompt communication, proactive compliance management, and targeted enforcement actions. Further, it will promote continuous improvement opportunities for dischargers to promote protections of human health and the environment. Specific opportunities for this proposal may include:

- **RP10a:** Modify statewide dashboards to display compliance information and performance across multiple regulatory programs. This dashboard will likely require ongoing collaboration across multiple agencies. It should display key performance indicators, trends, and benchmarks, providing dischargers with near-instant feedback on their regulatory compliance and performance.
- **RP10b:** 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. This way the discharger can review information related to potential outlier data and adapt or improve their practices for future implementation, or if information was potentially entered incorrectly, the discharger can contact ILRP staff or Coalition to provide the accurate data. Currently, one region under the program provides outlier reports to their dischargers on reported nitrogen application, which provides a comparison to other dischargers with similar crop types in the local basin and summarizes their current progress toward achieving nitrogen application targets. Depending on the anonymous reporting structure, Coalitions or ILRP staff in other regions could send similar reports to their members to facilitate more feedback.

Exhibit 31 ILRP Regulatory Pathway 11

RP11: Incorporate More Positive Incentives for Activities that Promote Program Objectives

This proposal aims to streamline communication and enforcement processes by providing tangible benefits to dischargers that implement activities that support ILRP objectives. By providing more positive incentives, dischargers will be more motivated to promote the program's objectives through changed behavior, practices, or tools. Because of the anonymous reporting under the program for many regions, ILRP staff should work closely with Coalitions to identify and reward dischargers or entire Coalition groups that may be eligible for positive incentives or rewards. Specific opportunities for this proposal may include:

- **RP11a:** Establish recognition programs or awards to acknowledge and celebrate Coalitions that demonstrate exceptional commitment and achievement in promoting program objectives. This can include certificates, or public recognition through newsletters, websites, or social media platforms. Recognizing and rewarding exemplary efforts can inspire others to actively engage in activities that align with program objectives. For example, the Central Valley Region currently highlights ILRP "Success Stories" on their website. This could be expanded upon to include recognition of dischargers that successfully implement practices that reduce loading to groundwater. They could also include these "success stories" in the current email subscription notification.
- **RP11b:** Implement performance-based incentives that reward Coalitions based on achievements and progress towards program objectives. This can include setting specific targets or milestones and providing incentives (such as fewer monitoring requirements) when they are met or exceeded.
- **RP11c:** Support grant opportunities and applications to other agencies for dischargers who actively contribute to the promotion of program objectives. Grant opportunities could include assistance toward implementing best management practices (BMPs) or initiatives that align with the program's goals. Financial incentives can serve as a tangible reward and help offset costs associated with activities that support program objectives.

Exhibit 32
ILRP Regulatory Pathway 12**RP12: Refine Statewide Key Performance Indicators (KPIs) to Evaluate Program Performance and Communicate Outcomes**

This proposal aims to streamline the communication and evaluation of program performance by refining the statewide KPIs for ILRP. By leveraging the information already gathered through the program (through Annual Reports or other reports), ILRP staff and/or Coalitions can determine baseline values for potential KPIs. ILRP staff should use the information gathered from the program to continuously measure KPIs to evaluate program performance and share outcomes. Communicating program performance will promote transparency and accountability and inform further program improvements. Specific opportunities for this proposal may include:

- **RP12a:** Conduct a series of collaborative sessions involving regulators, the regulated community, partners, and interested parties to inform the refinement of KPIs. These KPIs should be quantifiable, meaningful, and aligned with the objectives of the ILRP. They can encompass metrics that measure the progress and success of the ILRP statewide, including those related to human health and the environment.
- **RP12b:** Establish a working group that reviews KPIs annually for program performance and future updates to KPIs. This group could include ILRP staff, other regulatory partners, and/or external interested parties. Clearly define the objectives of the working group and assign roles and responsibilities. Develop evaluation criteria to guide the review process, and schedule regular meetings to discuss and evaluate the KPIs based on these criteria. Implement changes and improvements based on the outcomes of the reviews and monitor progress over time. Communicate the findings and outcomes to all interested parties and decision-makers to ensure transparency and accountability.
- **RP12c:** Develop communication tools to highlight program progress, achievements, and areas of improvement in relation to KPI analysis. Consider reports, dashboards, or infographics to effectively communicate the outcomes of the ILRP at a statewide level to all interested parties, including the public. By presenting information in a concise and accessible format, the public and any interested parties can gain a comprehensive understanding of the ILRP's impact and outcomes.

D. Equity

This subsection describes four regulatory pathways to ensure the inclusion of small-scale, socially disadvantaged dischargers and communities in the development, implementation, and enforcement of ILRP regulations. **Exhibit 33** through **Exhibit 36** describe proposed RPs and RP opportunities.

Exhibit 33 ILRP Regulatory Pathway 13

RP13: Provide Options for Alternative Compliance Pathways for Small Scale, Socially Disadvantaged Dischargers

This proposal aims to streamline monitoring and reporting processes by providing alternative options for small-scale, socially disadvantaged dischargers to achieve compliance with ILRP regulatory requirements. Through this proposal, ILRP staff can foster a supportive and collaborative environment by offering flexibility to small-scale, socially disadvantaged dischargers in achieving program objectives. This proposal considers the unique circumstances faced by these dischargers and encourages their active participation in meeting compliance requirements. Specific opportunities for this proposal may include:

- **RP13a:** Consider a tiered permitting system that categorizes dischargers based on their size, complexity, or risk level. This approach allows smaller dischargers to follow streamlined compliance for growers with similar circumstances. This could expand upon the existing structure which considers various risk criteria for reporting requirements, such as active on-site wells for Drinking Water Well Monitoring.
- **RP13b:** Explore alternative reporting approaches that reduce the frequency or complexity of reporting requirements while still providing sufficient data to assess compliance. An example of this could include a simplified INMP Worksheet, like one currently implemented by Kings River Water Quality Coalition, which allows for worksheets to be completed for crop groups as opposed to each crop for dischargers that grow multiple crops.
- **RP13c:** Consider conditional exemptions for certain regulatory requirements that may not have significant impact on water quality for smaller dischargers. This can include exemptions from specific monitoring or reporting obligations if the associated risks are low or if alternative compliance measures are in place, such as for certified organic operations which may already follow similar reporting around fertilizer use, nutrient applications, water testing, soil testing, and erosion control monitoring. Exemptions or waivers provide relief for smaller dischargers while ensuring that environmental protection is still maintained.
- **RP13d:** Develop procedures or decision trees to identify flexibility opportunities for smaller dischargers within the program. Engage with smaller dischargers, to gather feedback and insights on the effectiveness and feasibility of compliance requirements. These procedures help identify areas where adjustments can be made to better accommodate the needs of smaller dischargers.

Exhibit 34 ILRP Regulatory Pathway 14

RP14: Expand Technical Assistance Resources to Small Scale, Socially Disadvantaged Dischargers

This proposal aims to streamline compliance processes for small-scale, socially disadvantaged dischargers by providing additional technical assistance and support to these dischargers. Providing additional technical assistance and support to small-scale, socially disadvantaged dischargers helps bridge the knowledge and resource gap that these dischargers may face, enabling them to better understand and navigate complex regulatory requirements. This assistance empowers them to implement effective practices, leading to improved environmental outcomes and may further support the ongoing relationship between ILRP staff and trusted small grower specialty groups that provide invaluable technical assistance to disadvantaged dischargers. Specific opportunities for this proposal may include:

- **RP14a:** Extend existing Memorandums of Understanding (MOUs), agreements, and/or grants with small grower specialty groups, like University of California, Cooperative Extension (UCCE), to ensure current technical assistance is sustainable.
- **RP14b:** Expand technical assistance and training programs in collaboration with trusted advisors and small grower specialty groups. This could include on-site assistance and workshops for small-scale, socially disadvantaged dischargers. Leverage Crowe's assessment of impacts to small-scale, socially disadvantaged dischargers to identify specific areas of additional support and technical assistance needed by this group. By working together, ILRP staff, Coalition staff, and these groups can deliver targeted and effective assistance to small growers.
- **RP14c:** 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. Education could include more familiarity around potential requirements alignment with other regulatory programs that small-scale, socially disadvantaged dischargers may be a part of, such as the USDA Natural Resources Conservation Services (NRCS) Environmental Quality Incentives Program (EQIP) grants, State Organics Program, and others.
- **RP14d:** Continue to foster partnerships and collaborations with industry associations, non-profit organizations, and academic institutions. These partnerships can pool resources, expertise, and networks to deliver technical assistance programs tailored to the needs of small-scale, socially disadvantaged dischargers. By leveraging collective knowledge and resources, regulators can enhance the effectiveness and reach of technical assistance initiatives.

Exhibit 35

ILRP Regulatory Pathway 15

RP15: Develop Targeted Education and Outreach Efforts to Small Scale, Socially Disadvantaged Dischargers

This proposal aims streamline education, outreach, and communication processes by developing targeted education and outreach efforts to better reach small-scale, socially disadvantaged dischargers. This proposal offers essential guidance and resources to small-scale, socially disadvantaged dischargers, enabling them to better navigate the regulatory landscape. By providing the necessary support, this proposal will foster a more inclusive and equitable regulatory environment that empowers all dischargers to meet program objectives and contribute to protections of human health and the environment. Specific opportunities for this proposal may include:

- **RP15a:** 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. The liaison would provide dedicated support to small-scaled, socially disadvantaged dischargers, understanding their unique challenges and needs.
- **RP15b:** Enhance current educational materials, brochures, fact sheets, and guidance documents to ensure they are culturally sensitive and available in multiple languages. Consider the diverse backgrounds and languages spoken by small-scale, socially disadvantaged dischargers to ensure that information is accessible and understandable to all. Conduct webinars and develop online resources, such as video tutorials, interactive tools, and e-learning modules, which are accessible to small-scale, socially disadvantaged dischargers. These online platforms provide flexibility and convenience, allowing dischargers to access educational materials at their own pace and convenience.
- **RP15c:** 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. These organizations can help facilitate outreach efforts, provide language support, and serve as trusted intermediaries. Partnering with community organizations enhances the effectiveness and reach of education and outreach initiatives.
- **RP15d:** Organize outreach events, workshops, or information sessions specifically targeted at small-scale, socially disadvantaged dischargers. These events can provide opportunities for direct engagement, Q&A sessions, and networking. Ensure that the events are accessible, inclusive, and held in locations that are convenient for the target audience.

Exhibit 36

ILRP Regulatory Pathway 16

RP16: Provide Additional Resources and Program Support for Small, Disadvantaged Communities

This proposal aims to streamline processes in place to protect water resources in DACs from dischargers from irrigated lands through consideration of collaborative strategies that reduce agricultural impacts to DACs. Specific opportunities for this proposal may include:

- **RP16a:** 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. The liaison would provide dedicated support to DACs, understanding their unique challenges and needs and advocate on their behalf.
- **RP16b:** 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. Examples of existing TA providers include California Rural Water Association, Community Water Center, and Leadership Counsel for Justice and Accountability, and more.
- **RP16c:** Coordinate with the Office of Sustainable Water Solutions (OSWS) to identify opportunities for improved data transparency and communication of ILRP impacts to DACs. This could include leveraging existing dashboards, maps, or communication tools across Water Boards programs, such as the Safe and Affordable Funding for Equity and Resilience (SAFER) [Dashboard](#), to share relevant information on agricultural impacts to DACs.
- **RP16d:** 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.

5. Proposed Regulatory Pathways for the Confined Animal Facilities Program

This section identifies proposed regulatory pathways (RPs) related to the Confined Animal Facilities (CAF) Program. RPs are categorized into four groups aligned with the study’s focus areas – data and information sharing, efficiencies, effectiveness, and equity. **Exhibit 37** summarizes the RPs, which include two RPs related to data and information sharing, two RPs related to program efficiency, two RPs related to program effectiveness, and four RPs related to equity.

Exhibit 37
Confined Animal Facilities Program
Summary of Proposed Regulatory Pathways

ID	Regulatory Pathway	Page Number
RP2		
RP2	Centralize Data Management Systems to Consolidate Data	33
Efficiencies		
RP3	Expand Third-Party Monitoring Group Responsibilities to Streamline Monitoring, Reporting, and Inspection Activities	34
RP4	Invest in Resources that Support Improved Management of Excess Nutrients	
Effectiveness		
RP5	Develop Incentives for Dischargers that Help the Program Achieve Objectives	36
RP6	Distribute Performance Reports to Dischargers to Create Feedback Loops	37
Equity		
RP7	Implement Tiered Monitoring Requirements Across All Regional Water Boards to Reduce Workload for Small-Scale, Socially Disadvantaged Dischargers	38
RP8	Use Alternative Sources to Assist with Annual Fees and Third-Party Monitoring Fees for Small-Scale, Socially Disadvantaged Dischargers	38
RP9	Support Small-Scale, Socially Disadvantaged Dischargers with Enrollment, Monitoring, and Reporting	39
RP10	Encourage Use of Dairy Digesters for Dairy Facilities Located in Disadvantaged Communities	39

According to the CAF Annual Performance Report for FY 2022-23, California has about 1,950 active CAFs. About 70 percent of these facilities are dairy facilities, which are defined as establishments for processing or selling milk and milk products. In addition to dairy facilities, there are also several hundred feedlots, poultry and swine operations, and other animal feeding operations (AFOs) in the State.

Unless specified otherwise, the proposals outlined below encompass the entire CAF community, comprising both dairy and non-dairy facilities. Recognizing that the CAF Program includes waivers, WDRs, and NPDES permits, it will be crucial to understand the intricacies across different regions, CAF facilities, and regulatory frameworks to support actionable proposals.

The proposals presented in this section are preliminary and subject to further refinement. In many cases, the proposals described in this section aim to advance or enhance existing activities that Water Boards staff and their partners have already started, as described in **Exhibit 38**. Crowe acknowledges that implementing these proposals may require additional resources. Moreover, there may be other constraints or barriers that need to be addressed for successful implementation.

Crowe plans to gather the necessary information through workshops and other feedback mechanisms to ensure a comprehensive understanding of the proposals and their potential implications. This will enable Crowe to identify actionable implementation steps and refine the proposals accordingly as part of the next phase of the study.

Exhibit 38 **Confined Animal Facilities Program** **Summary of Highlighted Key Activities**

Highlighted Key Activities

As of FY 2022-23, about 97 percent of all CAFs in the state are regulated under the CAF program. Of these facilities, about 13 percent were inspected in FY 2022-23. 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.

In many regions, CAF program staff have developed reporting templates tailored to specific industries within the CAF program to be distributed to dischargers through third-party monitoring groups. Dischargers across regions employ GeoTracker, in addition to mail, email, and hand-delivery, to submit monitoring data and reports. Some dischargers in the Colorado River Basin Region employ CIWQS to submit electronic Self-Monitoring Reports. The San Francisco Bay Region has established a system wherein sampling frequency can be reduced after demonstrating consistent results at or below water quality benchmarks and achieving full compliance with the Order.

A. Data and Information Sharing

This subsection describes two proposed RPs aimed at improving the exchange of selected data and information between state regulatory agencies and programs. **Exhibit 39** and **Exhibit 40** describe proposed RPs and RP opportunities.

Exhibit 39 CAF Program Regulatory Pathway 1

RP1: Standardize Reporting Requirements and Templates Across Regional Water Boards to Simplify Reporting

This proposal aims to streamline reporting activities across all regions. The current diversity in report and plan types across regions and tiers creates a complex regulatory landscape, impacting both dischargers and CAF Water Board Program staff. Implementing uniform reporting requirements across regions can significantly streamline the administrative processes required for dischargers, promoting efficiency, ensuring consistent regulatory compliance, and supporting comprehensive data collection for informed decision-making. Specific opportunities for this proposal may include:

- **RP1a:** Generate standardized “general information forms” to streamline reporting processes. Instead of navigating through different reports, dischargers would submit a “general information form” that adheres to standardized criteria applicable across the state. Supplemental forms designed to be used in tandem with the general information form can be used to gather additional required information needed to account for facility type, regional differences, and/or federal requirements.
- **RP1b:** Build on existing electronic self-monitoring process to standardize implementation across all Regional Water Boards, to the extent feasible. Utilizing a proven electronic reporting system can assist with establishing a consistent and optimized reporting process across other regions, which can increase clarity and precision in data reporting.
- **RP1c:** 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. Continue the provision of standardized templates to dischargers for on-site plans, building on existing practices in regions where this is already implemented. Enhance these templates by incorporating comprehensive instructions directly within them.

Exhibit 40 CAF Program Regulatory Pathway 2

RP2: Centralize Data Management Systems to Consolidate Data

This proposal aims to streamline the number of databases currently being used in the CAF Program. Implementing this regulatory pathway would streamline data and information sharing by lowering redundancy, promoting seamless data sharing, and ultimately supporting a more unified and focused approach to regulatory oversight for dischargers. Specific opportunities for this proposal may include:

- **RP2a:** Expand Application Programming Interfaces (APIs) for interaction between existing databases. APIs act as bridges between different software systems, allowing them to communicate and share data. By utilizing APIs, data from one database can be accessed, retrieved, updated, or deleted by another database, enabling synchronization of information across systems. This allows for real-time updates across the different databases used within the CAF program, which can help to promote a more interconnected and efficient approach to information exchange. This solution also takes advantage of the existing database infrastructure.
- **RP2b:** Elevate GeoTracker as a centralized database and enhance its capabilities. In this database structure, GeoTracker will need to be integrated with other existing systems. This would facilitate proper data propagation from the entry portal to all required databases or facilitate data “pulls” from the necessary databases, avoiding redundant data entry into multiple databases.

B. Efficiencies

This subsection describes two regulatory pathways aimed at streamlining CAF Program processes. **Exhibit 41** and **Exhibit 42** describe proposed RPs and RP opportunities to simplify and expedite CAF Program related regulatory administrative, reporting, and compliance processes.

Exhibit 41 CAF Program Regulatory Pathway 3

RP3: Expand Third Party Monitoring Group Responsibilities to Streamline Monitoring, Reporting, and Inspection Activities

This proposal aims to streamline monitoring, reporting, and inspection activities by expanding partnerships with third-party CAF monitoring groups to provide additional assistance to dischargers. Currently, third-party CAF monitoring groups only provide support for groundwater monitoring and reporting. The existing infrastructure of the CAF third-party monitoring groups can be optimized to assist dischargers through additional monitoring support and aggregate reporting activities to lessen the administrative impact on the Water Boards. These options may require increased fees from third-party groups. Specific opportunities for this proposal may include:

- **RP3a:** Provide opportunities for third-party groups to conduct alternative pre-inspections to encourage compliance and reduce Water Boards staff workload. Expand upon programs such as CDQAP's Environmental Stewardship On-site Independent Evaluations for other facility types. Generate requirements for a Water Boards certified On-Site Independent Evaluator, similar to Qualified Stormwater Practitioners for the Statewide Stormwater program. This approach would allow the independent inspectors to conduct inspections on CAF facilities. While not replacing a CAF program inspection by Water Boards, these independent inspections could help with the prioritization of Water Boards inspection lists, so that facilities that recently passed an inspection by a third-party group are a lower priority for CAF Program staff. By integrating third-party assistance into the regulatory framework, Water Boards could have more time to focus on strategic oversight and decision-making.
- **RP3b:** Empower third-party groups to provide reporting templates and regulatory assistance to dischargers. This is a proactive measure which could streamline reporting. By leveraging the expertise of third-party monitoring groups, dischargers would receive valuable support in navigating complex reporting requirements, which could help facilitate precise and standardized data entry. This collaborative approach not only simplifies reporting for dischargers but also enhances data accuracy, contributing to the overall efficiency of the CAF Program.
- **RP3c:** Expand third-party group responsibilities to assist in annual reporting processes. Presently, in some regions, third-party groups in the CAF Program assist with groundwater monitoring and reporting. Allowing third-party groups, the option to expand their involvement to include annual reporting for dischargers would streamline reporting while expediting the annual report review process. The information from the group annual reports would provide aggregated data and information, allowing the ability to prioritize areas for follow-up.

Exhibit 42 CAF Program Regulatory Pathway 4

RP4: Invest in Resources that Support Improved Management of Excess Nutrients

This proposal aims to streamline the nutrient management process for dischargers. This proposal identifies cost-effective alternative pathways for manure disposal for dischargers. Investing in resources to support improved management of excess nutrients can foster collaboration between CAF and ILRP dischargers and promote environmentally conscious waste management practices. Specific opportunities for this proposal may include:

- **RP4a:** Support dedicated infrastructure for the collection of excess solids waste by the state, composting it for use by members of other Water Boards programs. Simultaneously, provide whole-farm nitrogen management education to dischargers to optimize nutrient use on farms. This holistic approach would not only transform waste into a useful resource but would also help educate CAF operators and growers on efficient nitrogen management, contributing to sustainable agricultural practices.
- **RP4b:** 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. Offer composting education to CAF participants, promoting the responsible use of organic waste. Provide support to existing programs like CDFA's Alternative Manure Management Program (AMMP), CDFA's Dairy Digester Research & Development Program (DDRDP), and CDFA's Dairy Plus Program to further encourage sustainable waste management practices. This integrated approach through education and program support would foster a collaborative and environmentally conscious waste transfer system.
- **RP4c:** 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. Simultaneously, allocate grants and resources for excess manure processing, specifically targeting dairy digesters. Introduce a new program that would connect CAF operations with excess manure to growers in need, fostering a collaborative network. By supporting whole-farm nitrogen management education and incentivizing sustainable practices, this approach could positively impact agricultural operations and water quality.

C. Effectiveness

This subsection describes two regulatory pathways aimed at improving CAF Program effectiveness. **Exhibit 43** and **Exhibit 44** describe proposed RPs and RP opportunities.

Exhibit 43 CAF Program Regulatory Pathway 5

RP5: Develop Incentives for Dischargers that Help the Program Achieve Objectives

This proposal aims to streamline communication and enforcement processes by motivating dischargers to achieve program objectives through program-based incentives. Developing incentives for dischargers can promote environmental responsibility through voluntary compliance and help enhance the overall efficiency of the CAF Program in California by fostering a culture of proactive engagement and sustainable practices within the community. CDQAP provides incentives such as signage at dairy entrances that enhances public perception of that individual dairy and dairies in general; this proposal is to expand upon these incentives. Specific opportunities for this proposal may include:

- **RP5a:** Offer incentives to dischargers achieving program objectives to promote sustainable practices beneficial for human health and the environment. This can be modeled like CDQAP's Environmental Stewardship program but led by the state and not specific to dairies. By financially encouraging the adoption of environmentally friendly measures, such as nutrient management strategies and pollution prevention, the program would contribute to long-term protection to the environment and the well-being of surrounding communities.
- **RP5b:** Enhance incentives that reduce sampling or inspection requirements for dischargers who meet or exceed specific monitoring criteria. This process currently exists but is specific to inspections within certain regions. Extending this flexibility to other regions would further encourage proactive compliance and environmental responsibility throughout California, as dischargers are rewarded with a lighter administrative workload when they demonstrate adherence to stringent monitoring requirements. The incentive not only promotes efficient regulatory oversight but also encourages dischargers to invest in robust monitoring practices, contributing to the overall success of the CAF Program. Alternatively, an incentive such as prioritizing inspection requirements for dischargers based on consistency of meeting program objectives could be developed. This approach would not only acknowledge and reward adherence to environmental standards but can also reduce the regulatory impact on compliant dischargers and shift attention to those with a greater impact to the environment. By linking incentives to inspection waivers, the program would motivate dischargers to maintain high standards, ensuring a mutually beneficial relationship between regulatory authorities and dischargers.
- **RP5c:** Introduce a market-based incentive by providing a certification or seal on the products of dischargers who meet environmental regulation standards. This could be implemented by CDFA under Water Board guidance on requirements. This would create a direct link between environmentally responsible practices and market value, allowing consumers to make informed choices. The certification would not only incentivize dischargers to adhere to program objectives but would also enhance the public image of products originating from environmentally conscious agricultural practices, creating a positive feedback loop that benefits both dischargers and consumers.

Exhibit 44
CAF Program Regulatory Pathway 6**RP6: Distribute Performance Reports to Dischargers to Create Feedback Loops**

This proposal aims to streamline communication and enforcement processes by sharing performance reports with dischargers. Implementing performance/feedback reports can promote transparent communication for informed decision-making and enhance environmental stewardship by fostering continuous improvement. Opportunities for this proposal may include:

- **RP6a:** Implement a mailing system where dischargers receive letters ranking them against dischargers of similar size or output based on key performance indicators. Ensure that the ranking system retains a high level of anonymity, and that the comparison system does not lead to being able to identify facilities from the data provided. These personalized reports could offer dischargers a comparative analysis, providing valuable insights into their performance within the context of their peers. This approach encourages healthy competition, motivates improvements, and fosters a sense of accountability with dischargers.
- **RP6b:** Introduce public interactive webinars where regulators share insights on discharger performance, compliance, and environmental impact. Dischargers can actively participate, ask questions, and receive real-time feedback. This dynamic approach would not only provide educational opportunities but also establish a direct line of communication to current and potential dischargers, fostering a collaborative atmosphere where dischargers can continuously improve based on expert guidance and peer experiences.

D. Equity

This subsection describes four regulatory pathways to ensure the inclusion of small-scale, socially disadvantaged dischargers and communities in the development, implementation, and enforcement of CAF Program regulations. **Exhibit 45** through **Exhibit 48** describe proposed RPs and RP opportunities.

Exhibit 45 CAF Program Regulatory Pathway 7

RP7: Implement Tiered Monitoring Requirements Across All Regional Water Boards to Reduce Workload for Small Scale, Socially Disadvantaged Dischargers

This proposal aims to streamline the reporting process by utilizing the San Francisco Bay Region's tiered reporting system as a model for all regions. Tiered permitting allows for a more flexible regulatory approach that considers the specific characteristics and risks associated with different dischargers. Specific opportunities for this proposal may include:

- **RP7a:** Develop a survey or questionnaire for dischargers to better understand their current facility characteristics and potential impacts on water quality. Dischargers can complete the survey to provide essential information about their operations, allowing regulators to assess their size, inputs, and risk levels. The results of this analysis would allow regulators to assess and prioritize their resources towards the dischargers with the greatest risk.
- **RP7b:** Define categorical differences between the various sizes of dischargers to include conditional exemptions for smaller operations. Specific permit requirements can be tailored based on size, inputs, and risk levels, so that compliance obligations align with the unique characteristics of each category.
- **RP7c:** Extend existing permit tiering models to all Regional Water Boards. The San Francisco Bay Region uses a tiered model to classify CAF facilities and their individual requirements under the CAF order. Utilizing the experience and success of an existing tiered system as a model could promote consistency in regulatory practices across different regions. This expansion would facilitate a seamless integration of tiered monitoring requirements based on CAF size, providing a standardized and scalable model for environmental regulation. By adopting a successful system from one region and applying it to others, regulators can streamline the implementation process, promote uniformity, and enhance efficiency in monitoring and compliance efforts on a broader scale.

Exhibit 46 CAF Program Regulatory Pathway 8

RP8: Use Alternative Sources to Assist with Annual Fees and Third Party Monitoring Fees for Small Scale, Socially Disadvantaged Dischargers

This proposal aims to streamline the enrollment and payment processes by assisting small-scale, socially disadvantaged dischargers in paying permit fees under the program. Adjusting annual fees and supporting dischargers with monitoring expenses can alleviate financial impacts, incentivize compliance, and enhance equity for dischargers. Specific opportunities for this proposal may include:

- **RP8a:** Focus on grant funding to support small-scale, socially disadvantaged dischargers for implementing special projects that benefit water quality and the environment. The proposal can provide targeted financial assistance to smaller and disadvantaged dischargers while furthering state water quality objectives. This not only ensures equitable access to resources but also aligns with broader government initiatives to promote sustainable and compliant practices within the agricultural sector.
- **RP8b:** Evaluate feasibility of an alternative fee structure that considers a reduced impact on small scale, socially disadvantaged dischargers. For example, expand proportional fee schedules to reduce the potential financial impacts of the program on small-scale, socially disadvantaged dischargers. This approach could help distribute financial requirements more equitably, reflecting the capacity of different-sized operations to absorb regulatory costs. Another example could be to consider site conditions when determining fees, such as waste management techniques, in addition to the animal head count to provide a more comprehensive approach to assessing regulatory fees.

Exhibit 47 CAF Program Regulatory Pathway 9

RP9: Support Small Scale, Socially Disadvantaged Dischargers with Enrollment and Monitoring, and Reporting

This proposal aims to streamline enrollment, monitoring and reporting processes by integrating water quality regulatory information into existing outreach formats that target small-scale, socially disadvantaged dischargers. Specific opportunities for this proposal may include:

- **RP9a:** 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. These groups could partner with trusted and established agencies which currently provide similar assistance to CAF members to expand their outreach efforts. This collaboration not only provides a trusted platform for information dissemination but also capitalizes on existing relationships and community engagement efforts.
- **RP9b:** Enhance outreach by collaborating with entities already engaged with dischargers such as third-party monitoring groups, local Resource Conservation Districts (RCDs), and UCCE advisors. This collaboration may include sharing a list of new small-scale CAF enrollees with third-party monitoring groups so that the third-party group can provide additional support and outreach to the enrollee. The collaboration would contribute to a more cohesive regulatory system, improving communication and understanding among interested parties.
- **RP9c:** Establish collaborative initiatives with entities such as UCCE to expand accessibility of educational and guidance material in multiple languages. Translating and adapting materials to the languages spoken by small-scale, socially disadvantaged dischargers provides the necessary information to achieve compliance.

Exhibit 48 CAF Program Regulatory Pathway 10

RP10: Encourage Use of Dairy Digesters for Dairy Facilities Located in Disadvantaged Communities

In alignment with SB 1383, this proposal aims to minimize potential adverse impacts to disadvantaged communities from waste management issues stemming from process water ponds by encouraging use of dairy digesters. Digester facilities are double lined which aims to prevent the leaching of nitrogen into groundwater. Dairy digesters also assist with decreased emission of methane gases from manure breakdown. This could address both potential groundwater contamination issues related to dairies as well as air quality concerns often associated with waste management problems in large-scale dairy operations. Specific opportunities for this proposal may include:

- **RP10a:** Collaborate with CDFA's Dairy Digester Research and Development Program (DDRDP) to encourage funding of installation of dairy digesters in disadvantaged communities. Using information from CAF program enrollment, establish a classification system that categorizes large dairies based on acreage, production output, waste output, or animal count. Require dairy operations classified as large dairies located in or intending to expand into disadvantaged communities to construct and operate digester facilities.
- **RP10b:** Establish accessible dairy digester facilities within disadvantaged communities, open for use by the public. Revenue generated from the sale of biogas can be allocated towards maintenance and staffing of these facilities, with any surplus funds directed into a dedicated fund for the purchase of manure. Dairies within the vicinity can transport their manure to these public facilities, and a portion of the transportation costs can be subsidized through the biogas fund. This approach creates job opportunities for residents in the surrounding community and yields valuable end-products, such as biogas and nutrient-rich fertilizer, from the digestion process. This integrated solution fosters economic development, environmental sustainability, and public health improvement in disadvantaged communities.
- **RP10c:** Enhance environmental monitoring for dairies with digester facilities. This would require ongoing monitoring of water, air, and soil quality near these facilities to detect and mitigate any potential environmental impacts. Collaborate with the California Air Resources Board (CARB) and associated air districts to establish regular maintenance requirements for digesters to uphold their operational efficiency and effectiveness. This prioritizes maintenance and monitoring and combined with the other options in this RP can proactively address concerns related to dairy operations in vulnerable communities. Additional monitoring or maintenance requirements could be incorporated into the CAF Program.

6. Proposed Regulatory Pathways for the State Winery Order

This section identifies proposed regulatory pathways (RPs) related to the State Winery Order (SWO). RPs are categorized into four groups aligned with the study’s focus areas – data and information sharing, efficiencies, effectiveness, and equity. **Exhibit 49** summarizes the RPs, which includes two RPs related to data and information sharing, two RPs related to efficiency, two RPs related to effectiveness, and two RPs related to equity.

Exhibit 49 State Winery Order Summary of Proposed Regulatory Pathways

ID	Regulatory Pathway	Page Number
Data and Information Sharing		
RP1	Streamline Enrollment, Inspection, and Corrective Action Processes Through Strategic Cooperation and Collaboration with Regulators from Other Programs regulating Wine-Production Facilities	42
RP2	Increase Transparency through Preparation and Public Release of Periodic Program Status Reports	43
Efficiencies		
RP3	Promote Prompt Transition to the SWO to Expedite Consolidation and Enrollment Activities	44
RP4		
Effectiveness		
RP5	Conduct a Periodic Review of Monitoring and Reporting Requirements to Re-evaluate Needs with Regard to Program Objectives	46
RP6	Develop Key Performance Indicators for the Statewide Winery Order to Meaningfully Evaluate the Effectiveness of the Program	46
Equity		
RP7	Identify Opportunities to Assist Socially and Economically Disadvantaged Winery Business Owners	47
RP8	Consider the Cumulative Impacts of Wineries Operating in Disadvantaged Communities	48

Prior to the adoption of the SWO, WQ 2021-0002-DWQ, winery waste discharges in California were authorized under a variety of mechanisms, including regional WDRs or waivers, individual WDRs, local agency permits as per memorandum of understanding between the Regional Water Boards and local agencies, or other means. The SWO provides a pathway for winery waste dischargers regulated by regional, individual, or local agency permits to transition to the SWO, streamlines the statewide permitting of previously unregulated winery process water discharges, and establishes statewide consistency, while allowing Regional Water Boards to focus their resources on compliance. As a new Order, adopted on January 20, 2021, the SWO provides a unique opportunity to expand on the streamlining impacts by aligning how Water Boards accept, enter, store, manage, and provide access to winery program data.

The proposals presented in this section are preliminary and subject to further refinement. In many cases, the proposals described in this section aim to advance or enhance existing activities that Water Boards staff and their partners have already started, as described in **Exhibit 50**. Crowe acknowledges that implementing these proposals may require additional resources. Moreover, there may be other constraints or barriers that need to be addressed for successful implementation.

Crowe plans to gather the necessary information through workshops and other feedback mechanisms to ensure a comprehensive understanding of the proposals and their potential implications. This will enable Crowe to identify actionable implementation steps and refine the proposals accordingly as part of the next phase of the study.

Exhibit 50

State Winery Order

Summary of Highlighted Key Activities

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.²³ Significant efforts were made to solicit involvement and incorporate comments from interested parties, which include:

- Over a five-year process leading up to the release of the administrative draft order in February 2019, interested parties participated in regional and statewide workshops and meetings.
- Preparation of an Initial Study and Mitigated Negative Declaration pursuant to California Environmental Quality Act (CEQA) requirements.
- Feedback from Winery industry groups, environmental justice organizations, consultants, winemakers, and Native American tribes.
- Incorporation of comments received during the public comment period.

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.

- Quarterly winery order meetings with State and Regional Water Board staff.
- Planned outreach and enrollment webinars in 2024.
- Phased enrollment approach.

The development of tools and guidance documents for winery operators available on the state water resources control board website includes but is not limited to:

- Electronic Submittal of Information Help Guide.
- Winery General Order Eligibility Survey.
- Compliance Calendar Tool.
- Electronic enrollment through CIWQS and electronic reporting through GeoTracker.

²³ [SWO Adoption Press Release](#), Jan. 2021

A. Data and Information Sharing

This subsection describes two regulatory pathways aimed at optimizing data and information sharing related to the SWO. **Exhibit 51** and **Exhibit 52** describe proposed RPs and RP opportunities.

Exhibit 51 State Winery Order Regulatory Pathway 1

RP1: Streamline Enrollment, Inspection, and Corrective Action Processes Through Strategic Cooperation and Collaboration with Regulators from Other Programs regulating Wine Production Facilities

This proposal aims to streamline enrollment, inspection, and enforcement processes through improved coordination between regulators overseeing water quality programs that are applicable to wine-making operations. The ILRP, the Industrial Stormwater Permit, the San Francisco Bay Region's Vineyard Program, and the PSP have potential overlap with the SWO. Although these programs may have their own monitoring and reporting objectives, coordination amongst staff responsible for the oversight of these programs may reduce the administrative and technical impacts that winemakers face. Although it is ultimately the responsibility of the business owner to identify the relevant environmental regulations that their operation may be subject to, messaging in the SWO text and related Fact Sheets can provide dischargers with information on other regulations that may be applicable to them. Further, more direct forms of communication may be automated to reduce the effort expended by regulators. Existing coordination is implemented through wide-area groundwater monitoring, the use of sustainability programs, and allowing CV-SALTS/Salt and Nutrient Management Plans (SNMPs) as a pathway for salt and nutrient reporting. Additionally, winery land application of liquid wastes feeds into broad ILRP requirements. Specific opportunities for this proposal may include:

- **RP1a:** Share SWO enrollment data with staff from other ag-related water quality programs (i.e., ILRP, Industrial Stormwater) where applicable. For example, the SWO states that “wineries with the potential to discharge stormwater to surface water of the United States are also required to have coverage under the Industrial General Permit” and that “A discharger irrigating a commercial crop may be required to enroll under a Regional Water Boards ILRP WDR order or conditional waivers of WDRs.” On receiving applications for the enrollment of wineries under the SWO, this information should be forwarded to applicable cooperating program staff. SWO program staff should provide stormwater program staff with a list of active SWO enrollees, and forward facility information for new SWO enrollees on an on-going basis. The feasibility of automating this process, either through the linking of the Stormwater Multiple Application and Report Tracking System (SMARTS) and CIWQS or some other mechanism, should be evaluated.
- **RP1b:** 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. For example, the NOI asks about “Other Permits” and notes IGP and ILRP coverage. The NOI should ask for information on other activities occur on the site (e.g., commercial crop production, and types of crops produced). This information can help identify sites that may require additional water quality regulatory coverage (IGP, ILRP) and PSP verification (if producing covered crops). Although this information may already be present in the technical report, having it entered into a form-based entry system and stored in database tables provides opportunities to query, filter, and sort through the data and provides a pathway to automate administrative processes.
- **RP1c:** Develop an automated process to solicit enrollment data from the Industrial Stormwater Permit program. Stormwater program staff should provide winery program staff with list of active IGP enrollees listed as having the 2084 SIC Code (Wines, Brandy, and Brandy Spirits), and forward facility information for new IGP enrollees with this SIC Code on an on-going basis. The feasibility of automating this process should be evaluated to reduce the administrative impact of repeated manual querying of data from the SMARTS database.
- **RP1d:** Coordinate site inspections and correction actions with other ag-related water quality programs.
- **RP1e:** Invest in, implement, and encourage the use of additional collaboration tools such as message boards, listservs, shared calendars, and web maps to facilitate coordination and communication between water quality programs overseeing winery operations.
- **RP1f:** Continue to implement working group sessions with relevant cooperating program staff to discuss updates, challenges, and planning amongst water quality programs overseeing activity related to wine-making operations. Currently, SWO staff meets quarterly winery order meetings and may consider extending invites to cooperating program staff to at least one of these meetings, annually.

Exhibit 52 State Winery Order Regulatory Pathway 2

RP2: Increase Transparency through Preparation and Public Release of Periodic Program Status Reports

This proposal aims to streamline data and promote information transparency by providing public access to program status reports and/or program data summaries. Significant effort has already been put into GeoTracker, which provides a portal the public can use to access some data collected by the state; however, the intent of this proposal is to provide greater transparency into how winery program data is evaluated and used to ensure the protection of water resources. The Water Boards should prepare and release periodic program status reports that synthesize the data collected under the SWO. The frequency of these reports will be driven by the availability of funding and staff resources. Ideally, reports should be prepared at least every 5 years. The data collected may provide a status on the amount of data collected (e.g., number of enrolled entities, number of inspections, and number of water quality samples collected), but should also include information that describes the current state of the quality of winery discharges (e.g., typical pollutant concentration ranges, averages by watershed, region, or statewide), observed trends, and projections for the future. The report should also describe the objectives of the program and describe the benefits that monitoring and reporting efforts provide to California residents. Specific opportunities for this proposal may include:

- **RP2a:** Prepare and publish program status reports that summarize data collected under the SWO. Prepare public-facing reports that summarize the data collected and progress made in reaching water quality goals under the SWO, released on the Water Boards website, and prominently displayed so that is easy to locate and e-mail to Winery Program enrollees.
- **RP2b:** 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. This includes the results of winery discharge and groundwater monitoring activity, which would push notifications of updates to Order enrollees and notification subscribers (e.g., through an automated email marketing software).

B. Efficiencies

This subsection describes two regulatory pathways aimed at streamlining SWO processes. **Exhibit 53** and **Exhibit 54** describe proposed RPs and RP opportunities to simplify and expedite SWO related regulatory administrative, reporting, and compliance processes.

Exhibit 53 State Winery Order Regulatory Pathway 3

RP3: Promote Prompt Transition to the SWO to Expedite Consolidation and Enrollment Activities

This proposal aims to streamline the enrollment process. According to the [General Order for Winery Process Water Fact Sheet](#), as of 2023, about 10 percent of California's bonded wineries had existing permits or waivers through the Water Boards. It is estimated that 30 percent of California's wineries are eligible for coverage under the SWO.²⁴ Wineries enrolled in the Napa County Winery Waste Discharge Program were given an opportunity to apply for continuation of coverage under the Napa program for an additional three years. The SWO is intended to streamline and improve permitting consistency. The benefits of the SWO related to streamlining and consistency will not be fully realized until a substantial portion of eligible facilities are enrolled. To expedite enrollment, SWO staff should seek to promote prompt enrollment through outreach and messaging. Specific opportunities for this proposal may include:

- **RP3a:** 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).
- **RP3b:** 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).
- **RP3c:** 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.
- **RP3d:** 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.

²⁴ [General Order for Winery Process Water Fact Sheet](#)

Exhibit 54
State Winery Order Regulatory Pathway 4**RP4: Automate a System for Tracking Winery Order Activity Statewide to Provide Consistency and Uniformity**

This proposal aims streamline reporting processes by improving consistency through selection of a single system to use for all regulatory activity, including enrollment, reporting, document and data management, and termination. Currently, a Notice of Intent (NOI) is provided as Attachment B of the SWO. An electronic NOI (eNOI) can be accessed from the program webpage, which links to a fillable electronic form in CIWQS. Some Regional Water Boards have expressed interest in using GeoTracker, and others have expressed interest in using e-mail/post-delivery. Additionally, transitioning to or allowing the use of systems that facilitate e-Signatures may streamline document certification and authorization and make it easier for Water Boards staff to manage important documents requiring signatures. Specific opportunities for this proposal may include:

- **RP4a:** 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. For example, GeoTracker could take on the functionality of CIWQS for discharger enrollment and permit fee payment and/or invoice status, inspection reports, penalties, notices, or enforcement actions.
- **RP4b:** 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.
- **RP4c:** Implement mailbox rules, automated processes, and/or other functions to improve efficiency, if using e-mail as a reporting system. Although the SWO intends to move away from e-mail submittals as much as possible, Regional Water Boards should implement mailbox rules, automated processes, and/or other functions to improve efficiency. Mailbox rules could route messages to relevant Water Boards staff based on the contents of the e-mails. Advanced mailbox tools that perform automated scanning of e-mail inboxes, downloading and organizing of attachments, and notifying relevant staff should be investigated.
- **RP4d:** 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.

C. Effectiveness

This subsection describes two regulatory pathways aimed at improving SWO effectiveness. **Exhibit 55** and **Exhibit 56** describe proposed RPs and RP opportunities.

Exhibit 55 State Winery Order Regulatory Pathway 5

RP5: Conduct a Periodic Review of Monitoring and Reporting Requirements to Re evaluate Needs with Regard to Program Objectives

This proposal aims to streamline program evaluation processes by conducting routine review of monitoring and reporting requirements to ensure they are commensurate with the desired level of protection for human health and the environment. Water quality programs should be dynamic and flexible to be able to address new and emerging water quality threats and focus efforts and resources on monitoring for pollutants representing an actual or potential risk of harm to human health and/or the environment. Dischargers have communicated concerns that program requirements seem stagnant, and that they are required to monitor for parameters that are consistently not detected in samples or are well below established water quality objectives. Sampling and laboratory analysis can be costly and time consuming, and dischargers struggle to understand the benefit of continuous monitoring for parameters they have demonstrated are either not present in their waste or are not present at concentrations that pose risks. Crowe understands that frequent or immediate SWO amendments are infeasible. Implementing some of these considerations may be out of scope of the adopted SWO and is something that the Water Boards may evaluate and prioritize in the future with interested parties on a potential future SWO amendment proposal. Where possible, these changes should be implemented through updates to MRPs. SWO staff should investigate mechanisms that allow for bulk updates to MRPs (i.e., program-wide MRP changes or changes at the discharger tier level). Specific opportunities for this proposal may include:

- **RP5a:** 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 **RP5a**:
 - **RP5b:** 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).
 - **RP5c:** 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.
 - **RP5d:** 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 human health or the environment based on site-specific characteristics.

Exhibit 56 State Winery Order Regulatory Pathway 6

RP6: Develop Key Performance Indicators for the Statewide Winery Order to Meaningfully Evaluate the Effectiveness of the Program

This proposal aims to streamline established metrics that can be used to evaluate the effectiveness of the SWO through the development of KPIs that are based on the objectives of the SWO. Specific opportunities for this proposal may include:

- **RP6a:** Develop key performance indicators based on trends in the water quality of waste discharges.
- **RP6b:** Develop key performance indicators based on trends of landscape-scale water quality.
- **RP6c:** Review program data periodically to identify whether performance goals are being achieved.
- **RP6d:** Implement changes to regulations when performance objectives are not met.

D. Equity

This subsection describes two regulatory pathways to ensure the inclusion of Tier 1 wineries, specifically those that may be economically or socially disadvantaged and their surrounding communities in the development, implementation, and enforcement of SWO regulations. **Exhibit 57** and **Exhibit 58** describe proposed RPs and RP opportunities.

Exhibit 57 State Winery Order Regulatory Pathway 7

RP7: Identify Opportunities to Assist Tier 1 Wineries that May be Socially and Economically Disadvantaged

Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias within American society because of their identities as members of groups and without regard to their individual qualities.²⁵ Economically disadvantaged individuals are socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same or similar line of business who are not socially disadvantaged.²⁶ A disadvantaged business is generally a for-profit business where socially and economically disadvantaged individuals own at least 51 percent interest and also control management and daily business operations. This proposal aims to streamline the administrative and cost impact of Tier 1 wineries that may be socially or economically disadvantaged. The proposal may be best implemented through coordination with other state agencies, local agencies, and non-governmental organizations (NGOs) to identify opportunities that may aid disadvantaged winery owners. Specific opportunities this proposal may include:

- **RP7a:** 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).
- **RP7b:** Utilize existing Water Boards staff or develop partnerships with external groups that can provide translation services. Develop outreach and guidance materials in multiple languages.
- **RP7c:** Assess the feasibility of lowering permitting fees for Tier 1 wineries that may be classified as disadvantaged businesses.
- **RP7d:** 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.

²⁵ 13 CFR § 124.103.

²⁶ 13 CFR § 124.104.

Exhibit 58 Winery Order Regulatory Pathway 8

RP8: Consider the Cumulative Impacts of Wineries Operating in Disadvantaged Communities

This proposal aims to streamline processes in place to protect water resources in disadvantaged communities from discharges of winery waste through the implementation of cumulative impacts evaluation. California winemakers are expanding outward from historic wine regions into areas that have not traditionally had high densities of winery operations. In some cases, these areas may be in or around disadvantaged communities. For example, Lake County is a disadvantaged county, located northwest of Napa County. In the last three years, two new American Viticulture Areas (AVAs) have been established in Lake County. While the establishment of these AVAs provides a source for new revenue from business taxes and tourism, it also adds new water quality pressures from both winegrape growing and winemaking processes. The CEQA process requires an evaluation of cumulative impact and may have addressed some of these concerns if CEQA documentation was prepared during land use and/or local planning decisions. The Water Boards do not oversee land use and planning authorities but may have had the opportunity to comment on initial studies or environmental impact reports. However, there does not currently appear to be a process by which cumulative impacts of winery operations are evaluated as part of the Statewide Winery Order. When reviewing permit applications for wineries, Water Boards staff should consider the cumulative impacts of wine-making activity. Specific opportunities for this proposal may include:

- **RP8a:** Implement additional requirements for wineries applying for coverage to operate in disadvantaged communities that helps assess cumulative impacts.
- **RP8b:** Require additional technical documentation, BMP implementation, or monitoring requirements to understand, control, and monitor for impacts that are cumulative in nature.
- **RP8c:** 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.

7. Moving Forward

Crowe invites thoughtful consideration of these proposals. Crowe understands there are diverse perspectives and needs across California that may shape feedback or considerations to implement these proposals. While recognizing that not all proposals may seem feasible at this time, it is nonetheless important to remain collaborative and open to diverging perspectives to advance regulatory alignment in the areas of food safety and water quality.

A. Selected Key Takeaways

Below is a summary of selected key considerations as Crowe moves forward:

- **Data and Information Sharing:** Enhancing data sharing agreements between regulatory agencies is paramount. This includes the sharing of data and aligning methodologies for data collection and analysis. By doing so, CDFA and the Water Boards can foster a unified and efficient regulatory approach, leveraging data for more precise and effective decision-making within the areas of food safety and water quality. This unified approach will benefit programs, where overlapping data can inform multiple aspects of regulation, members of the agricultural community, and the public.
- **Efficiencies:** Synergy between regulatory programs is critical. By identifying overlapping regulatory requirements and processes, efficiencies can be maximized. This approach would reduce redundancy, minimize regulatory impacts, and facilitate a smoother compliance process for participants. Collaborative efforts between these programs can lead to a more cohesive regulatory framework, optimizing resource allocation and operational efficiencies.
- **Effectiveness:** Setting clear, measurable targets and performance metrics across all programs is essential. These targets should not only be realistic but also adaptable to changing circumstances. Continuous monitoring and evaluation of these metrics will ensure that the regulatory approaches remain effective and relevant. Measuring performance helps in understanding and communicating progress to all.
- **Equity:** Ensuring that regulatory programs and requirements align with the Farm Equity Act and [Water Boards Resolution No. 2021-0050](#), [Condemning Racism, Xenophobia, Bigotry, and Racial Injustice](#) and [Strengthening Commitment to Racial Equity, Diversity, Inclusion, Access, and Anti-Racism \(Racial Equity Resolution\)](#) and [Racial Equity Plan](#), is crucial for fostering an inclusive regulatory landscape. This involves understanding and addressing the specific needs of small-scale, socially disadvantaged farmers and ranchers. Equitable regulatory practices should be embedded in each program, ensuring that all, regardless of their size or resources, can comply with and benefit from the regulations.

The dynamic nature of regulations demands ongoing evaluation and adaptation. This involves regularly soliciting feedback from interested parties, monitoring environmental and industry trends, and adjusting regulatory practices and policies accordingly. Cross-program learning, and adaptation are essential, where insights from one program can inform improvements in others. Many of the proposed RPs incorporate collaboration across the programs, in addition to collaboration with external parties, such as regulatory partners, third-party entities, and technical assistance providers. **Appendix C** provides an overview of proposed RPs that may impact and/or involve collaboration across programs or entities.

B. Gathering Input and Feedback on Proposals

Crowe requests feedback on the Concept Paper to inform its final regulatory alignment recommendations, 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 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.

These workshops are interactive forums for interested parties to discuss and provide feedback on the proposals. To view the workshop schedule and register for an upcoming workshop, visit the study's website at: <https://www.cdfa.ca.gov/RegulatoryAlignment>.

C. Remaining Milestones

Exhibit 59 provides an overview of the upcoming milestones, including expected timelines, activities, and outcomes to be completed by November 2025.

Crowe will continue to engage with all interested parties to ensure final recommendations are comprehensive and have support. Each milestone achieved is a testament to the collective efforts of the CDFA, CalEPA, Water Boards, the agricultural community, and other interested parties. Crowe looks forward to continuing this process of supporting a more data and information-driven, efficient, effective, and equitable regulatory landscape in the areas of food safety and water quality.

**Exhibit 59
Regulatory Alignment Study Milestones**

