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SENATOR DEAN FLOREZ
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California State Senate

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September 22, 2010

Ms. Mary D. Nichols
Chairman
California Air Resources Board
1001 "I" Street
P.O. Box 2815
Sacramento, CA 95812
Fax (916) 327-5748

Dear Chairman Nichols:

The question before you is a simple one:

Should the vast majority of farmers presently burning their agricultural waste in the San Joaquin Valley be allowed to continue burning this waste and adding pollutants to the air? More precisely, can these farmers afford the costs of environmentally friendly methods such as shredding their uprooted vines and trees or sending them to biomass facilities?

What you have before you ^{are} two very different answers to that question.

The San Joaquin Valley Air Pollution Control District did a study that relied heavily on the input of agricultural interests and concluded that the costs of environmentally-friendly methods were too high, and that eight out of ten farmers presently burning their waste in open-field fires can continue to burn.

Because I authored the law to ban agricultural burning, I directed my staff to spend two months doing our own study and checking all the calculations used by the San Joaquin Valley air district. We found that the air district and its consultant made numerous errors in their analysis of the profits of farmers and the costs of shredding agricultural waste or sending it to a biomass facility.

Had the correct assumptions and calculations been used, the air district would have arrived at a far different conclusion. It would have found that large and profitable farms can easily afford to dispose of their waste in an environmentally friendly way. It would have forced the biggest and richest corporate farms now burning to stop the practice. Instead, the air district has decided to treat the most profitable farms in the San Joaquin Valley like the smallest, struggling farms, giving them the green light to keep burning.

What is CARB to do about these two studies, one by the local air district and one by my office, that arrive at such starkly different conclusions?

Earlier this year, the staff at the California Air Resources Board admittedly did not take the time and effort to do its own analysis of the matter. Whether CARB should have fully vetted the local air district's study is another question, another discussion. Rather, the staff at CARB took the word of the San Joaquin Valley Air District and endorsed the findings of its study.

But in the months since that endorsement, CARB has been made aware of the faulty assumptions and incorrect calculations in the air district's study. CARB staff was present at a July 28, 2010 hearing before the Senate Select Committee on Air Quality that I chaired.

At this hearing, Seyed Sadredin, head of the San Joaquin Valley Air Pollution Control District, conceded that his staff and consultant made several significant errors in the study—errors that I believe led the district to wrongly conclude that many farmers cannot afford alternatives to open field burning.

Here are the errors that Mr. Sadredin conceded were made:

1. The local air district, in calculating the net profits of farmers, failed to consider the full measure of these profits. Indeed, the air district incorrectly reduced by half the net profits of farmers. The air district made this error by incorrectly assuming that vines and fruit and nut trees produce net profits for only 10 years and then must be uprooted and replaced. In fact, the lifespan and net profits of these vines and trees is 20 to 25 years.

Thus, the true costs (measured against net profits) of uprooting these vines and trees and disposing of the waste in an environmentally friendly way is much less over time than the air district originally calculated.

2. The local air district, in calculating the net profits of grape growers, grossly miscalculated the price per ton of grapes. The air district used the figure of \$248 a ton for the price of grapes. The air district conceded that the true number is five times greater than that. The price per ton of raisins averages more than a \$1,000 per ton, according to official figures and industry experts. For table grapes, the price per ton is nearly \$1,400.

Thus, the true costs (measured against net profits) of uprooting these vines and trees and disposing of the waste in an environmentally friendly way is much less over time than the air district originally calculated.

If the staff at CARB now takes the time to do its own analysis, it will surely conclude what my staff has concluded: that the local air district not only used incorrect numbers in its economic analysis but that its basic methodology was flawed.

For instance, the air district lumps together the net profits of farmers who grow table grapes with the net profits of farmers who grow raisin grapes. The net profits of these two crops—and the ability of table and raisin grape farmers to afford not to burn—is completely different. Don't take my word for it. Here are the words of Matthew Fidelibus, the UC farm advisor considered an expert on grapes:

"Lots of people confuse table grapes and raisin grapes. The reality is that they are completely different. Everything from the bud break to harvest—and all the costs in between—is different. The costs of growing a table grape is much greater than the costs of growing a raisin grape. And the potential profit of the table grape is much greater, too. Raisin grape profit margins are small. Table grape profit margins can be quite big. The two crops are not the same."

And yet the local air district considers them the same.

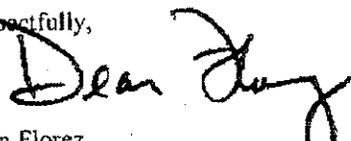
The fast and loose nature with which the local air district dealt in this matter was on full display at the hearing when Mr. Sadredin claimed that there are "80,000 farmers" in the San Joaquin Valley. This vast number, he claimed, precluded the air district from considering an approach where individual farmers would come before the local air district and make their own case why they should be allowed to burn.

In fact, there are fewer than 20,000 farmers in the San Joaquin [✓] valley. My staff phoned every agricultural commissioner in the eight counties that make up the valley and got the true number. And less than half of these farmers are growing the vines and trees that would even warrant a possible need to burn.

In sum, my staff has proven that the study by the local air district cannot be trusted. I am asking that the CARB board send the matter back to its staff for its own analysis. My staff would be happy to fully cooperate with CARB staff, including the forwarding of all its research into this matter.

Only then can the CARB board decide how to amend the regulations so that the biggest and most profitable farmers—those who can easily afford a more environmentally friendly way to dispose of their waste—will be banned from burning, which was the intent of the law I authored.

Respectfully,



Dean Florez
Senate Majority Leader, 16th District

