

REGULATORY UPDATE

WATER:

R3B Ag Waiver

DPR Regulation

FUMIGANTS:

MeBr CUE

EPA Labels for 2013

LABOR:

ALRB / SB 126

E-Verify

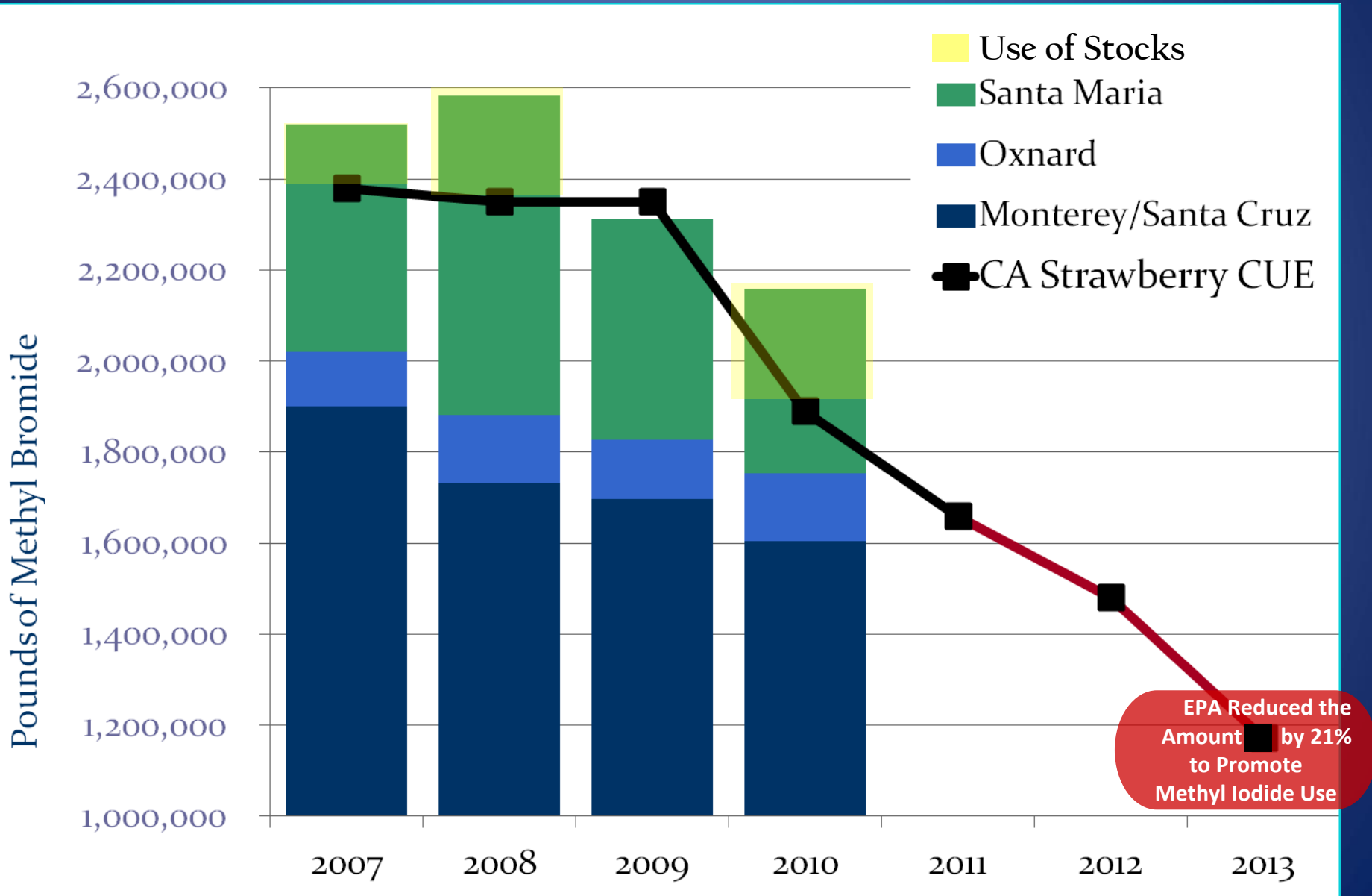
ESA Pending Labels

SBX2: Nitrates

DPR Requirements

Fumigants

Methyl Bromide Use & Approved Future Amounts



Update on Methyl Iodide Registration and Potential Impacts from the Court

Case No. RG 10-553804
Reporter's DRAFT Trial Transcript of the Proceedings
Thursday January 12, 2012

The following excerpts are from the first draft of the court reporter's transcript. These excerpts are subject to change, pending approval of the final court transcript. These statements did not occur in the exact order as presented in the following slides. These excerpts are arranged by topic to aid understanding.

MR LOARIE: I want to correct something that Ms. Dennis suggested. Ms. Warmerdam, the former director of the DPR, is not a scientist. She has no scientific degree.....

THE COURT: What difference does it make whether she's a scientist or isn't a scientist? She's the director of the agency. .

MR. LOARIE: She is the director, but we submit that the agency is entitled to deference on these matters of these technical matters.

THE COURT: I'm sorry. The director speaks for the agency. The employees of the agency do not speak for the agency.

MR. LOARIE: I recognize that

THE COURT: They are voices, to be sure, but they don't speak for the agency. The agency is entitled to deference, but there are limits.

MS. DENNIS: petitioner's argument is that the department capitulated to Arysta....

THE COURT: What difference does it make?

MS. DENNIS: Because I want the Court to understand that the department acted reasonably....

THE COURT: It matters not in the law of CEQA whether an agency is capitulating one side or the other. The law under CEQA is whether they followed the procedure.

THE COURT: Tell me where on the record that I can find the environmental evaluation of the no project alternative.... (not to register)

THE COURT: I have to tell you , if you had not done that, this is a granted petition. I just don't see how if you didn't do that, you can say that you are CEQA compliant.

MS. DENNIS: What we did say is by following a certified regulatory program, the department is complying with CEQA.

THE COURT: Well, that's different from saying, that we don't have to comply with CEQA because our regulations say something different.

MS. DENNIS: Well, the argument is by complying with our regulation, we are complying with CEQA.

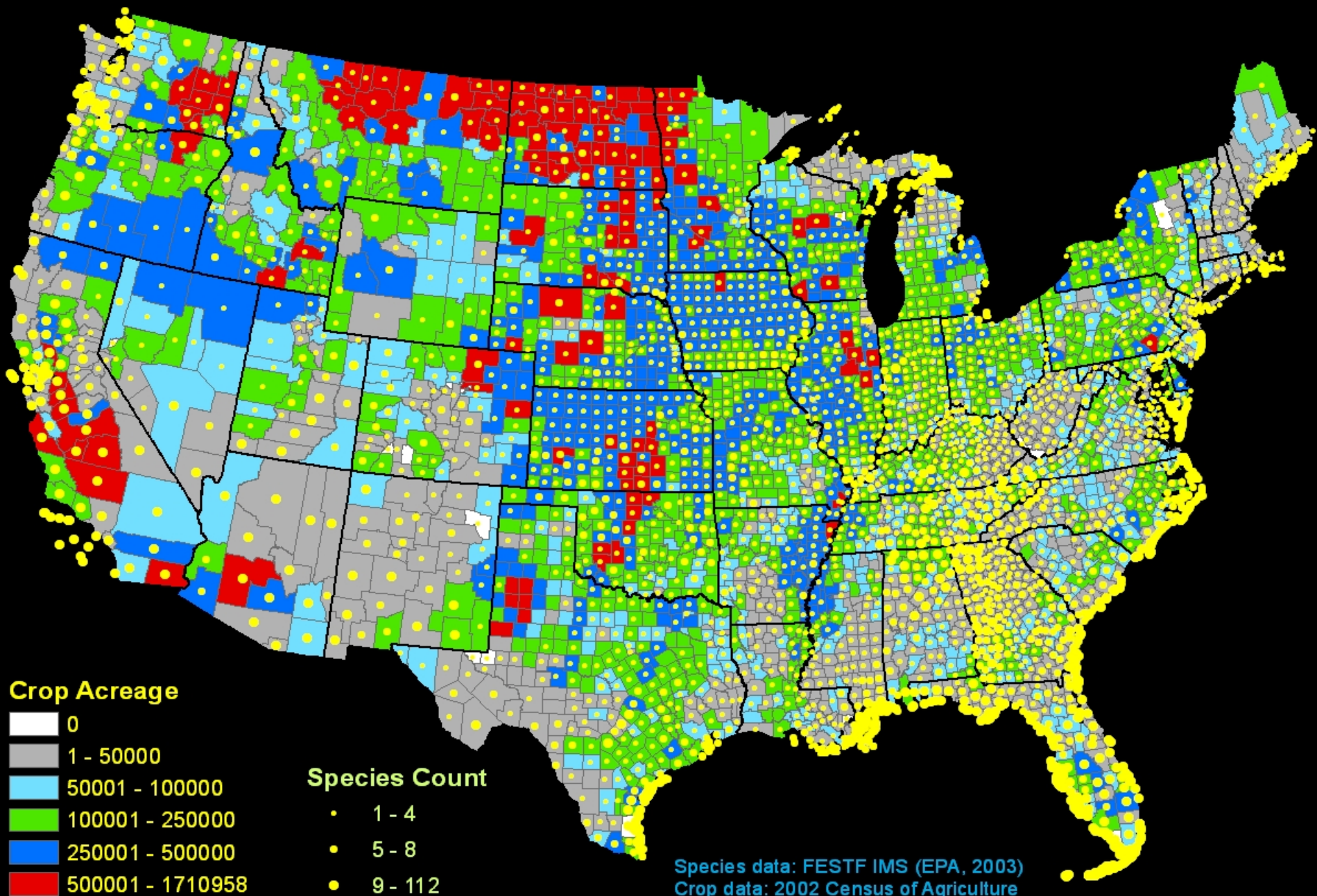
THE COURT: Well, I will take this matter under submission. I am a little bit intrigued by this concept that the department's regulations can trump the CEQA guidelines, and I wonder if you want to give me a brief on that.

NEXT STEPS: The Court will issue a written ruling by March 28.

Water

IMPACT of the CURRENT LAWSUIT APPROACH

Hundreds of thousands of combinations of pesticides, species, and habitat areas





Summary of Key Findings (continued)

- **Most cost-effective drinking water supply action: blending, treatment, and alternative water supplies/regionalization**
- **Affordability for clean drinking water is limited in small communities.**
- **Most promising revenue source: fee on nitrogen fertilizer use**
- **Limited or non-existent, inconsistent, often inaccessible monitoring => prevents better and continuous assessment**

How the Proposed R3B Tiers Apply to Strawberries

Tier 1	Tier 2	Tier 3
<p>Do Not Use Chlorpyrifos or Diazinon</p>	<p>Applies to all dischargers whose individual farm/ranch does not meet the Tier 1 or Tier 3 criteria</p> <p><i>Most Strawberry Farms</i></p>	<p>The farm/ranch total irrigated acreage is greater than or equal to 500 acres.”</p>
<p>- AND -</p>		<p>- OR -</p>
<p>The "farm/ranch is located more than 1000 feet from a surface waterbody” listed as impaired.</p>		<p>Chlorpyrifos and diazinon are used at the farm/ranch</p>
<p>- AND -</p>		<p>-AND-</p>
<p><i>Less than 50 acres,</i></p> <p>- AND -</p> <p><i>not</i> within 1000 feet of a public water system well that exceeds the nitrate standard</p>		<p>The farm/ranch “discharges irrigation or stormwater runoff to a waterbody” listed as impaired</p>

Labor

Senate Bill No. 126

CHAPTER 697

An act to amend Sections 1156.3, 1158, 1160.4, and 1164 of the Labor Code, relating to employment.

[Approved by Governor October 9, 2011. Filed with Secretary of State October 9, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

SB 126, Steinberg. Agricultural labor relations. Existing law prohibits employers from engaging in unfair labor practices, including interfering in the election by agricultural employees of labor representatives to engage in collective bargaining for the designated bargaining units.

Existing law provides that, within 5 days after the above-described election, any person may file with the Agricultural Labor Relations Board a signed petition that, among other things, objects to the conduct of the election or conduct affecting the results of the election. Upon receipt of the petition, existing law requires the board to conduct a hearing to determine whether the election shall be certified. Existing law permits the board to refuse to certify the election if it finds, among other things, that misconduct affecting the results of the election occurred.

Existing law also provides for elections to decertify a labor organization, as specified.

This bill would provide that if the board refuses to certify an election regarding certification of a labor organization because of employer misconduct that, in addition to affecting the results of the election, would render slight the chances of a new election reflecting the free and fair choice of employees, the labor union shall be certified as the exclusive bargaining representative for the bargaining unit.

This bill would specify, with regard to the above-described elections regarding certification or decertification, time limits pertaining to the scheduling of hearings on election objections and challenges to ballots and the issuance of decisions by the board with respect to those objections and challenges.

Under existing law, whenever it is charged that a person has engaged in or is engaging in certain unfair labor practices, the board has the power to issue and cause to be served upon the person a complaint stating the charges and containing a notice of hearing, as specified, not less than 5 days after the serving of the complaint. Under existing law, the board has the power, upon issuance of the above-described complaint, to petition the superior court in any county wherein the unfair labor practice in question is alleged to have occurred, or wherein the person resides or transacts business, for



112TH CONGRESS
1ST SESSION

H. R. 2164

To amend the Immigration and Nationality Act to make mandatory and permanent requirements relating to use of an electronic employment eligibility verification system, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2011

Mr. SMITH of Texas (for himself, Mr. CALVERT, Mr. GALLEGLY, Mr. CHAFFETZ, Mr. BILBRAY, Mr. ROYCE, Mr. GARY G. MILLER of California, Mrs. MYRICK, Mr. SENSENBRENNER, Mr. FRANKS of Arizona, Mr. CARTER, Mr. KINGSTON, Mr. DANIEL E. LUNGREN of California, and Mr. GOODLATTE) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Immigration and Nationality Act to make mandatory and permanent requirements relating to use of an electronic employment eligibility verification system, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Legal Workforce Act".