



# In Brief

A MONTHLY NEWSLETTER FROM  
THE LEGAL SERVICES DIVISION OF  
CALIFORNIA FARM BUREAU

AUGUST 2024

## CIVIL RIGHTS COMPLAINT REJECTED BY U.S. EPA OVER AGRICULTURE'S NITRATE USE



The U.S. Environmental Protection Agency recently rejected a civil rights complaint (Title 6 complaint) filed by California environmental justice groups. The environmental justice groups alleged that the State Water Resources Control Board's affirmation of the Central Coast Regional Water Quality Control Board's water quality requirements for irrigated lands (Ag Order 4.0) fails to protect communities of color and causes disproportionate impacts from nitrate contamination. Specifically, the groups requested EPA to require the State Board to set enforceable limits for nitrate application and discharge. EPA rejected the complaint as premature since the environmental groups have already filed a lawsuit against the State Water Board on this matter. CAFB is currently involved in two lawsuits on this issue in Sacramento Superior Court.

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## CAFB SUBMITS COMMENTS ON SMALL BUSINESS CALIFORNIA CREDIT DRAFT RESOLUTION

On August 6, 2024, CAFB submitted comments related to an update to eligibility requirements for the Small Business California Climate Credit (Climate Credit). The Climate Credit was instituted about ten years ago to return money to ratepayers from the free greenhouse gas emission allowances allocated to

the utilities. CAFB argued successfully in the past to ensure that agricultural customers were eligible for the Climate Credit.

On July 17, 2024, the Energy Division of the California Public Utilities Commission (PUC) issued Draft Resolution E-5339, which modifies the Climate Credit by designating that recipients with 100 or more eligible accounts under the existing usage criteria are no longer eligible to receive the Climate Credit on any account. Eligible small business customers are defined as: “Any non-residential customer on a General Service or Agricultural tariff with demand not exceeding 20 kW in more than three months in the previous 12-month period is considered to be a small business.”

The data provided within the resolution showed 13 agriculture customers in Pacific Gas and Electric Company (PG&E) and 1 agriculture customer in Southern California Edison territory would be ineligible under the new modification. CAFB’s comments argued that agriculture only represented 1.2% of the total credits and did not represent the problem that Telecom and Government did which represented 79.2% of the credits that would now be ineligible. CAFB also noted that having a large amount of meters was more due to the way irrigation pumps and agricultural operations function than a measure of profit or size. Finally, CAFB argued that a recipient should be eligible for up to 100 meters rather than complete ineligibility immediately upon reaching 100 meters. The resolution will potentially be heard at the August 22, 2024, PUC voting meeting.

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## NORTH COAST REGIONAL BOARD ADOPTS FEDERAL LANDS PERMIT



On August 15, 2024, the North Coast Regional Water Quality Control Board adopted *General Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Land Management Activities on Federal Lands, Order No. R1-2024-0012* (“Federal Lands Permit”). The Federal Lands Permit regulates activities on federal lands, including livestock grazing. Mendocino County Farm Bureau and California Farm Bureau provided comments at the hearing. Although our comments prompted dialogue by the Board members, the permit was ultimately adopted.

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# CALIFORNIA MINIMUM WAGE WILL BE \$16.50 IN 2025 (AND MORE)

On January 1, California's minimum wage will rise by 50 cents, from \$16 to \$16.50 per hour. The increase is the result of a statute that requires the state minimum wage to be adjusted annually for increases (capped at 3.5%) in a specified U.S. Consumer Price Index.

Tied to that jump will be an increase in the minimum salary that must be paid in 2025 to an employee classified by the employer as exempt from minimum wage, overtime premium pay, and time-recordkeeping requirements because the employee meets the "duties" test for an exempt administrative, executive, or professional employee. The salary must be the equivalent of at least twice the California minimum wage for employment of 40 hours per week. Thus in 2025, the weekly salary must be at least \$1,320 (\$68,640 for the year). (In 2024, the minimum weekly and annual exempt-employee salaries are, respectively, \$1,280 and \$66,560.)

Also, as of January 1, the phase-in of ever-lower overtime-premium thresholds for agricultural employees of employers with 25 or fewer employees at all times during a pay period will be completed. Like other non-exempt employees in California, including agricultural employees of employers with 26 or more employees at any time during a pay period, an agricultural employee of those smaller employers will have to be paid at a rate that is at least:

- 1½ times the employee's regular rate of pay for hours worked over
  - 8 and up to 12 in a workday or
  - 40 in a workweek and
- Double the employee's regular rate of pay for hours worked over 12 in a workday.

And as in years past, a nonexempt employee in California must be compensated at a rate that is at least:

- 1½ times the employee's regular rate of pay for the first 8 hours worked on the 7<sup>th</sup> day of work in a workweek and
- Double the employee's regular rate of pay for hours worked over 8 on the 7<sup>th</sup> day of work in a workweek.

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