



April 27, 2026

The Honorable Buffy Wicks  
 Chair, Assembly Appropriations Committee  
 1021 O Street, Suite 8220  
 Sacramento, CA 95814

**RE: AB 2447 (Bauer-Kahan) – Oppose**

Dear Chair Wicks:

On behalf of California’s farmers, ranchers, processors, and allied agricultural businesses, we must respectfully oppose AB 2447. As residents of agricultural and rural communities, we share the goal of protecting groundwater quality and ensuring safe drinking water for all Californians. For this reason, we have engaged with the State Water Resources Control Board (State Water Board) and regional water boards for decades to investigate, monitor and attempt to remedy long-standing water quality issues across the State. And while we share your interest in hastening this process, we express our concerns here with the approach proposed in AB 2447.

First, AB 2447 is premised on an incorrect assumption that nitrogen discharges from irrigated agriculture are unregulated. Contrary to this assumption, California agriculture operates under one of the most comprehensive regulatory frameworks in the nation. Starting in or around 2003, discharges of waste from irrigated agricultural operations have been regulated by regional water quality control boards through Conditional Waivers or Waste Discharge Requirements. Such regulatory requirements have evolved over time resulting in today's comprehensive Irrigated Lands Regulatory Program (ILRP), which is administered by the State Water Board and the regional boards.

Under the current program, agriculture throughout California is regulated through Waste Discharge Requirements, which require various levels of enrollment, surface and groundwater monitoring, Irrigation and Nitrogen Management Plans, Farm Plans, nitrogen applied reporting and more. Through the ILRP, more than 30,000 farms and ranches are enrolled statewide, covering millions of irrigated acres. Based on State Water Board data, to date 89% of irrigated farmland is currently enrolled in ILRP, with the remaining to be enrolled soon.<sup>1</sup>

In some regions, third party coalitions help to administer these programs and coordinate efforts amongst vast agricultural acreages. The leading example of coalition efforts occurs in the Central Valley where there are 14 coalitions working with over 25,000 individual grower operations covering over 5 million acres of irrigated farmland. The Central Valley coalitions collect nitrate application and crop yield data from their growers to estimate the amount of nitrate that may potentially leach to groundwater or runoff into surface water. Once the data is collected, the coalitions annually submit this information, along with detailed analysis of the information, to the Central Valley Regional Water Quality Control Board (Central Valley Water Board). The Central Valley Water Board reviews this information for its accuracy, conducts farm inspections, evaluates grower compliance, and brings enforcement actions against non-compliant growers when necessary.

Moreover, coalitions regularly conduct surface and groundwater monitoring, per a methodology directed in WDRs. Groundwater monitoring includes requirements on growers to individually test on-farm domestic wells for nitrate and provide notice to those reliant on domestic wells if the well exceeds the nitrate drinking water standard. In the Central Valley, through the region's preeminent Nitrate Control Program, growers along with other nitrate dischargers, offer free domestic well testing and replacement drinking water as an interim approach for those reliant on groundwater. There are also significant efforts taking place to identify and implement long-term drinking water solutions.

To date, substantial progress has been made by growers, coalitions and other third-party groups in all facets of ILRP. Specifically, irrigated lands coalitions working with the Central Valley Water Board have achieved the following in recent years:

- Completed Groundwater Quality Assessment Reports to delineate areas across the Central Valley that are vulnerable to nitrate contamination and characterize current groundwater quality conditions
- Established Groundwater Trend Monitoring programs to track changes in groundwater quality
- Established annual grower-reporting programs to understand trends in implemented practices and nitrogen application ("A") and removal ("R") rates for all parcels enrolled in the ILRP
- Developed Management Practice Evaluation Programs to identify, evaluate, and promote practices that are protective of groundwater quality
- Created a robust and comprehensive Groundwater Protection Formula, Values, and Targets approach to estimate current nitrate discharge rates at the field-scale and consider local hydrologic conditions; establish and routinely revise (every five years) targeted township-based

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<sup>1</sup> [https://www.waterboards.ca.gov/about\\_us/performance\\_report\\_2122/regulate/241\\_irrigated\\_lands.html](https://www.waterboards.ca.gov/about_us/performance_report_2122/regulate/241_irrigated_lands.html)

(6-mile x 6-mile) discharge rates that are protective of groundwater quality; and track progress towards these Targets over time

- Proposed crop-specific Acceptable Ranges of A/R to establish agronomically appropriate nitrogen use efficiencies based on research and the current grower-reported distribution of A/R ratios by crop and identify growers outside of the Acceptable Ranges for follow-up actions
- Established Groundwater Quality Management Plans to synthesize the above information into coherent plans to manage irrigated agriculture's impact on groundwater quality
- Conduct annual, ongoing grower outreach and education to inform growers of the need to protect groundwater quality from the impacts of nitrogen applications through the use of best management practices

This framework integrates monitoring, detailed reporting, state of the art modeling, local water quality, individual grower-based efficiency metrics, and outreach and education to growers and their advisors to chart a clear path forward towards protecting water quality while sustaining a vibrant agricultural landscape. Such accomplishments represent a substantial body of work that informs the collective understanding of the state of nitrate issues and what is needed to address them. Considering the regulatory systems currently established and its successes to date, the claim that nitrogen application is unregulated is simply inaccurate.

Second, to assume the State Water Board and regional boards are relying on the status quo to address water quality issues is also a falsehood. The State Water Board recently convened the Second Statewide Agricultural Expert Panel to evaluate nitrogen management, and feasible regulatory metrics. This panel, consisting of scientists, agronomists, university researchers and nutrient management experts have been evaluating vast amounts of data collected through the ILRP, taking public testimony, and are developing their final expert recommendations to the State Water Board. Their process is set to be completed no later than June of this year. AB 2447 would effectively pre-judge and override this time intensive, objective, technical process by imposing prescriptive statewide mandates before scientific consensus and feasibility determinations are complete. Legislatively mandating specific nitrogen discharge standards on an accelerated timeline risks replacing an evidence-based approach with statutory rigidity.

AB 2447 also seeks to undermine a key tenant of the ILRP—a recognition that farm-level nitrogen application information is highly sensitive operational data and publicly disclosing this data at an individual level creates significant risk without improving environmental outcomes. Because of the proprietary nature of farm characteristics reflected in nitrogen application rates (crop type, rotational strategy, yield, irrigation and soil management techniques, etc.), much of the reporting under ILRP is currently managed by coalitions. Notably, all grower data is reported to the regional water boards. However, in some regions, the data is anonymized on a grower level and parcel level before being submitted to the respective regional board. Although anonymous, the regional water boards have sufficient information to evaluate grower compliance with WDRs and have the ability to identify growers that are not making improvements towards protecting groundwater and surface water quality. This approach has been found to be appropriate by the State Water Board and the courts because it incentivizes grower participation in coalitions, promotes accuracy in reporting, allows coalitions to work directly with growers, and provides the State Water Board and regional boards with data and information necessary to evaluate the efficacy of the ILRP.

Beyond duplication, AB 2447 requires compliance with strict standards under an impossible timeline. Simply put, under current agricultural practices and knowledge, it is nearly impossible for all of California agriculture to comply by the date proposed. AB 2447 requires agricultural operations to “not cause or contribute” to nitrate exceedances, coupled with nitrogen application limits, by 2030. Nitrogen cycling in the soil is influenced by a variety of factors.

AB 2447 would cement in place a one-size-fits-all approach that does not account for the diversity of production, regional hydrogeology, crop nutrient demands, soil mineralization rates, irrigation methods and legacy nitrate issues. This approach will result in disproportionate impacts on growers in certain basins, particularly the Central Valley and coastal regions, creating inequitable burdens for rural communities that already face economic challenges. In 2020, a well-known and respected economics firm evaluated the impact of nitrogen application and discharge limits being considered by the Central Coast Water Board. In their evaluation, the firm looked at the economic impact specifically for Monterey County and lettuce production exclusively. The study found that these restrictions would result in a county-wide economic loss of \$683 million annually, job loss of 11,340 positions and the probability of a farm generating revenue greater than costs falls to 14%.

(ERA Economics LLC, 2020).<sup>2</sup> This limited analysis illustrates the magnitude AB 2447 would impose across California by taking the same approach across all commodities and all regions as evaluated by ERA Economics.

Time-over-time, the State Water Board has recognized that even with precision agriculture, cover cropping, and advanced fertigation systems, it is scientifically impossible to guarantee zero contribution to exceedances in every hydrologic setting. This is evidenced by, among other things, the State Water Board's remand of the Central Coast WDR that included limits similar to those being required by AB 2447. In short, the State Water Board remanded the WDR because it found the imposition of such limits to be premature until more information is available. (State Water Board Order WQ 2023-0081).<sup>3</sup> As a result of this decision, the State Water Board created the Second Statewide Ag Expert Panel and charged them with evaluating the potential for limits or targets to be imposed over variable time horizons. As noted previously, the Second Ag Expert Panel is in the middle of developing their final recommendations, which are expected to be finalized by the end of June this year. While we await the final report in June 2026, the panel's draft recommendations released in 2025 found "...based on scientific and technical considerations the Panel recommends that limits are not required statewide or as a precedential tool to be used by Regional Boards."<sup>4</sup>

In addition to the time and agronomic infeasibility of the provisions of AB 2447, the bill would institutionalize an entirely new water quality program and fees to support implementation on a community not healed to bear the new and growing costs. The current water quality program costs in place are funded through fees on farmers. Coalition monitoring, domestic well testing, nitrate replacement water programs and compliance administration already cost the agricultural community tens of millions annually. In addition to pivoting these obligations to the State and regional boards, AB 2447 would increase data reporting requirements, and require an entirely new level of regulatory oversight and enforcement capacity at the regional water boards and the State Water Board. For example, in 2010, the Central Valley Water Board published its Environmental Impact Report for the ILRP as proposed in the Central Valley. As part of the EIR, the Central Valley Water Board had prepared an economic impact analysis of the regulatory alternatives, one which included a program similar to that envisioned by AB 2447. According to that analysis, the Central Valley Water Board alone would need over 400 PYs to implement a program that required individual grower reporting to the Central Valley Water Board.

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<sup>2</sup> [ERA Economics LLC, Technical Memorandum: Example Economic Impacts of the Central Coast Water Board Ag Order 4.0, prepared for Kahn, Soares & Conway LLP \(Davis, CA: ERA Economics, June 19, 2020\)](#) .

<sup>3</sup> State Water Resources Control Board, *Order WQ 2023-0081: In the Matter of Review of General Waste Discharge Requirements for Discharges from Irrigated Lands, Order No. R3-2021-0040, Issued by the California Regional Water Quality Control Board, Central Coast Region, SWRCB/OCC Files A-2751(a)-(b)* (Sept. 20, 2023), [https://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality/docs/2023/wqo2023-0081.pdf](https://www.waterboards.ca.gov/public_notices/petitions/water_quality/docs/2023/wqo2023-0081.pdf).

<sup>4</sup> 2025-2026 State Water Resource Control Board. Second Expert Panel, Version 9 Draft Report. [https://www.waterboards.ca.gov/water\\_issues/programs/agriculture/2025-expert-panel.html](https://www.waterboards.ca.gov/water_issues/programs/agriculture/2025-expert-panel.html)

The cost of these PYs would be borne by growers, further limiting agriculture's ability to survive economically in a time of increased water costs, increased input costs and depressed commodity prices. Moreover, for many small- and mid-sized farms operating on thin margins, particularly in specialty crops, additional regulatory fees required to implement AB 2447 will exceed their capacity to pay. In regions already facing water scarcity, regulatory expansion, market competition and rising labor costs, this bill will accelerate farm exits and consolidation.

Finally, AB 2447 undermines the role of the coalitions under ILRP and implementation of the Nitrate Control Program. Ultimately, the bill would result in dismantling the coordination and financing for domestic well testing and, where contamination is identified, drinking water replacement for affected households.

In short, nitrate contamination in groundwater is a decadal long challenge for the State regardless of grower practices today. Over the decades, growers have followed and employed the best scientific and state-supported research on application rates and fertilization management practices. Data shows that even if growers applied zero nitrogen fertilizer and essentially stopped farming, water quality issues will persist in some areas for over a hundred years. Importantly, California agriculture is committed to improving water quality, protecting public health and advancing the best precision agricultural practices possible. To that end, the existing ILRP framework, regional orders, coalition monitoring, and ongoing expert review provide a robust and iterative pathway for progress grounded in science and regional adaptability. AB 2447 replaces that adaptive framework with rigid mandates, exposes growers, communities and the state to unsustainable burdens, and generates unintended harm.

For these reasons, we respectfully oppose AB 2447 and urge a collaborative approach that builds upon, rather than dismantles, California's existing regulatory structure.

Sincerely,



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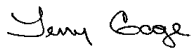
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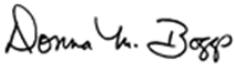
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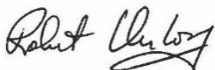
Mike Montna, President/CEO  
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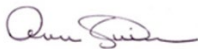
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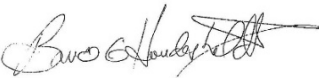
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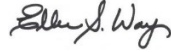
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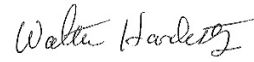
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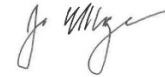
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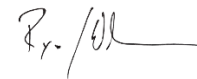
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cc: The Honorable Rebecca Bauer-Kahan, California State Assembly  
Members, Assembly Appropriations Committee