

A Critique of California's Approach to Water Conservation

Erwin Kristel

Introduction

California is currently trying to cope with the rapid depletion of one of its most valuable and scarce resources—water. Water is vital to the prosperity of any community, and no doubt a resource that needs to be carefully managed. The California legislature has a robust history of legislating water use including the most recent Water Conservation Act of 2009.[\[1\]](#) Despite its efforts, the state is currently suffering through its single worst drought recorded since the state starting keeping records in the 1800's.[\[2\]](#) As bad as the drought is now, the state of affairs is likely to get worse as the risk of severe draught in California will likely increase due in large part to man-made global warming.[\[3\]](#)

In response to the current shortage of water, the California legislature has promulgated several water conservation laws and regulation to protect this valuable resource.[\[4\]](#) One would think that the focus of these conservation efforts would be on decreasing agricultural water use, which is the sector that consumes the most water.[\[5\]](#) Instead, recent legislative efforts have focused on reducing water consumption in urban environments.[\[6\]](#)

This paper argues that the California legislature has been unduly focusing its water conservation efforts on reducing urban water use as opposed to focusing on reducing agricultural water use. Part I provides a brief overview of California's agricultural industry, including its water usage, and explains why the industry's economic impact is marginal. Part II shows that California's agricultural industry has a large amount of political and economic support, which is no doubt partly responsible for the fact that the industry is allowed to continue its water consumption. Part III outlines California's recent legislative efforts to conserve the state's water and explain the shortcomings of these efforts.

CALIFORNIA'S AGRICULTURAL INDUSTRY

California's agricultural industry accounts for the majority of the state's water usage, accounting for 77% of California's water consumption in

2009.[7] This water consumption is caused by California being the largest agriculture producer in the United States.[8] In fact, California contained more than half of the total harvested fruit acreage in the country in 2013.[9] In addition, California derived \$48 billion in revenue from agriculture in 2012.[10] However, it should be kept in mind that California had a gross domestic product (GDP) of 2.3 trillion in 2014;[11] this means that only a fraction of California's GDP is derived from agriculture. Despite the relatively small impact of California's agricultural industry on the state's economy, the industry has widespread support.

THE SUPPORT FOR CALIFORNIA'S AGRICULTURAL INDUSTRY

One may wonder why so much of California's water is being used to sustain an industry whose benefits are marginal at best. One likely explanation is that agriculture, while it may not mean much for California's economy as a whole, can be a very lucrative industry for a minority of Californians. This is, in part, due to the large amount of federal subsidies California farmers receive. According to Environmental Working Group (EWG), California farmers received \$10.3 billion in federal subsidies from 1995 to 2012.[12] In addition, the United States as a whole has an important stake in California's agriculture—California produces more agricultural products in United States than any other state.[13] In fact, California accounts for 65% of the United States' non-citrus fruit and nut production as well as 30% of citrus fruit production.[14] This is especially significant considering the United States' recent shift towards promoting healthier foods and the passage of the United States Farm Bill, which increases subsidies for growers of fresh produce.[15]

Despite the marginal economic impact of California's agricultural industry, there are nonetheless several reasons why California's agriculture industry receives the support that it does. However, whatever the benefits gained from California's thriving agricultural industry, it is not worth depleting the state's most valuable resource to keep it afloat. However, California's recent legislative history has focused on reducing water consumption in urban areas as opposed to focusing on the agricultural industry.

CALIFORNIA WATER CONSERVATION LAWS

California has a robust history of water conservation efforts through legislation. The most recent legislative efforts was the passage of the Water Conservation Act of 2009,[\[16\]](#) which exemplifies California’s current approach to water conservation—a frame work focused on urban areas.

By passing the Water Conservation Act in 2009, the California legislator recognized the importance of water conservation, declaring “reduced water use through conservation provides significant energy and environmental benefits, and can help protect water quality, improve stream flows, and reduce greenhouse gas emissions.”[\[17\]](#) Chapter 3 of the Water Conservation Act provides relatively clear and strict guidelines in regards to water conservation for urban water suppliers.[\[18\]](#) It set a firm goal of 20% reduction in urban per capita water use before the end of 2020.[\[19\]](#) Chapter 4 of the Water Conservation Act[\[20\]](#) specifically focuses on agricultural water suppliers, but it does not provide any firm requirements as to water conservation. Rather, Chapter 4 holds agricultural water suppliers to rather vague standards, such as requiring them to adopt a pricing structure “based at least *in part* on quantity delivered,” or requiring them to “implement additional efficient management practices . . . *if* the measures are locally cost effective and technically feasible.”[\[21\]](#)

More recently, in light of the drought that began in 2012, California has been placing increasingly strict restrictions on urban water use.[\[22\]](#) Some of these restrictions have created tension in California’s cities; some cities going so far as filing lawsuits against state agencies.[\[23\]](#) However, given the fact that the vast majority of water consumption is in the agricultural industry, the focus should be on conserving water in rural areas.

CONCLUSION

California has always had to cope with water scarcity, and has a long history of legislative efforts to decrease water consumption. However, especially in recent years, the focus of these efforts has been to reduce consumption in urban areas instead of the state’s largest consumer of water—the agricultural industry. This can be explained, at least in part, by the large amount of support the agricultural industry receives from federal subsidies and increased demand for healthy foods. Therefore, if California is to avoid water shortages in the future,

then the state should refocus of downsizing the water consumption of its largest water consumer—the agricultural industry. It is simply unsustainable.

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[1] Cal. Legis. Serv. 7th Ex. Sess. Ch. 4 (S.B. 7) (Codified as amended in scattered sections of Cal. Water Code Ann. § 10608– 10853) (hereinafter Water Conservation Act).

[2] Andria Cheng, *California Farm Drought Crisis Deepens*, MarketWatch (Feb. 22, 2014), <http://www.marketwatch.com/story/california-farm-drought-crisis-deepens-2014-02-22-16103424> [<http://perma.cc/G65Z-Y587>].

[3] See Noah Diffenbaugh et al., *California Drought and Climate Change Linked – but Rain isn't the Only Factor*, Stanford woods inst. for the env't (Spring 2015).

[4] *Infra* Part III.

[5] *Infra* Part I.

[6] *Infra* Part. III.

[7] Yoram Cohen, *Graywater - A Potential Source of Water*, UCLA Institute of the Environment and Sustainability, <http://www.environment.ucla.edu/reportcard/article4870.html> [<http://perma.cc/A2JY-9Z82>] (last visited Aug. 2, 2015).

[8] Cheng, *supra* note 2.

[9] U.S. Dep't of Agric., *California Agricultural Statistics 2013 Crop Year 43* (2014).

[10] PPIC Water Policy Ctr., *Water for Farms* (Oct. 26, 2015), http://www.ppic.org/content/pubs/report/R_415WFFR.pdf [<http://perma.cc/UM3W-FNVJ>].

[11] US Dep't of Commerce, Bureau of Economic Analysis, *Regional Data for California*,
<http://www.bea.gov/iTable/iTableHtml.cfm?reqid=70&step=10&isuri=1&7003=200&7035=-1&7004=naics&7005=-1&7006=06000&7036=-1&7001=1200&7002=1&7090=70&7007=2014&7093=levels>
[<http://perma.cc/2E26-U78T>] (last updated June 10, 2015).

[12] EWG Farm Subsidies, *California Summary Information*,
<http://farm.ewg.org/region.php?fips=06000> [<http://perma.cc/Q9F6-KT5K>] (last visited Aug. 7, 2015).

[13] See CDFA, California Agricultural Statistics Review 27–116 (2013-2014).

[14] *Id.* at 56.

[15] See Katrina Schwartz, *California Advocates for Healthy Food in U.S. Farm*, Berkeley College of Natural Resources,
<http://nature.berkeley.edu/news/2012/04/california-advocates-healthy-food-us-farm-bill> [<http://perma.cc/LTX9-RFCR>] (April 12, 2012).

[16] Water Conservation Act, *supra* note 1.

[17] Cal. Water Code § 10608.

[18] See *Id.* § 10608.16–10608.44.

[19] *Id.* § 10608.16.

[20] *Id.* § 10608.48–10608.48.

[21] *Id.* § 10608.48.

[22] See *e.g.*, Cornell Bernard, *Water Restrictions go into Effect for California*, ABC News, <http://abc7news.com/news/water-restrictions-to-go-into-effect-for-california/759060/> [<http://perma.cc/YF2W-CM6G>] (May 31, 2015).

[23] See e.g. *Riverside Sues Over California Water Restriction*, CBS Los Angeles, <http://losangeles.cbslocal.com/2015/06/09/riverside-sues-over-california-water-restrictions/> [<http://perma.cc/VC3Y-23J2>] (June 9, 2015).