



# The Cotton Chronicle

1785 N. Fine Avenue, Fresno, CA 93727 • Telephone: (559) 252-0684 • Fax: (559) 252-0551

www.ccgga.org

May 2015

Volume 25 Issue 5

## Industry Calendar

May 27-29  
Ginners Annual  
Meeting—  
Monterey

May 29  
Ginners Board  
Meeting—  
Monterey

June 2  
Growers Board  
Meeting—  
Fresno

(Visit web calendar  
for details)

## CCGGA Staff

Roger A. Isom  
President/CEO  
roger@ccgga.org

Christopher McGlothlin  
Director of Technical  
Services  
chris@ccgga.org

Jodi Raley  
Director of Regulatory  
Affairs  
jodi@ccgga.org

Shana Colby  
Administrative Assistant  
shana@ccgga.org

## Effort to Expedite CEQA for Water Storage Projects Runs into Political Roadblock

This past month, the **California Cotton Ginners and Growers Associations (CCGGA)** participated in a press conference at the steps of the State Capitol to help support the passage of **AB 311 (Gallagher)** which would “expedite” CEQA for water storage projects in California, such as Sites Reservoir and Temperance Flat Dam. Against the backdrop of recently pulled out almond trees, and despite overwhelming support from the agricultural community, the Republican backed bill did not receive a single Democrat vote in the Assembly Natural Resources Committee and died. The bill would have “expedited CEQA” in much the same way as legislation was passed to expedite CEQA for the new basketball arena for the Sacramento Kings professional basketball team. Specifically, AB 311, among other things, would have done the following:

- Requires Judicial Council to adopt a rule of court, by July 1, 2016, requiring lawsuits and any appeals to be resolved, to the extent feasible, within 270 days of certification of the record of proceedings .
- Requires the lead agency to conduct an informational workshop within 10 days of release of the Draft EIR and hold a public hearing within 10 days before close of the public comment period.
- Requires the lead agency and applicant to participate in nonbinding mediation with any party who submitted comments on the Draft EIR and requested mediation within five days of the close of the public comment period, with the cost to be paid by the applicant. Requires mediation to end within 35 days of the close of the public comment period.



Assemblywoman Kristin Olsen and Assemblyman James Gallagher Address the Crowd at Press Conference

- Permits the lead agency to ignore written or oral comments submitted after the close of the public comment period, with specified exceptions for materials addressing new information released after the close of the public comment period.
- Generally prohibits a court, in granting relief, from staying or enjoining the construction or operation of an eligible water storage project and provides that a court may only enjoin those specific activities associated with the project that present an imminent threat to public health and safety or that materially, permanently, and adversely affect unforeseen important Native American artifacts or unforeseen important historical, archaeological, or ecological values. (in effect limiting the equitable powers of the court and prohibiting existing remedies under CEQA such as voiding the lead agency's decision or suspending project activities)

While this particular bill died, there is thought the concept may come back later in the ses-

sion. The Association's President/CEO **Roger Isom** and Director of Technical Services **Christopher McGlothlin** were on hand for the event. Stay tuned for additional details.

### **2015 Legislative Session Underway in California**

The new legislative session is fully underway at the State Capitol. And like the past several years in California, 2015 will be just as active as the previous ones. Bills ranging from cleaning up last year's groundwater debacle to those supporting the effort to put California in the lead to reduce greenhouse gas emissions lead the pack. In addition, the ever present movement of the labor unions is being felt with bills to provide double time pay on holidays, increase the minimum wage and tie it to the Consumer Price Index (CPI), as well as legislation to expand sick leave provisions. Leading the charge in 2015 are bills that would further the effort by California to lead the world in reducing greenhouse gas emissions (GHGs). **SB 350 (De Leon)** would increase energy costs for all Californians by mandating a 50% reduction in petroleum use by 2030! Furthermore it would mandate the electric utilities to provide electricity using a supply that is based upon 50% renewable energy. This Renewable Portfolio Standard (RPS) would require electric utilities such as PG&E or Edison to get 50% of their energy supply from solar, wind or geothermal sources. Renewable energy costs considerably more than conventional energy. **SB 32 (Pavley)** would take the current AB 32 efforts to a whole new level by requiring statewide GHG emissions to be 80% below 1990 GHG emission levels by 2050. Along those same lines is legislation, **SB 687 (Allen)**, which would require natural gas utilities to provide at least 10% "renewable gas" by 2030. Of course, no one is producing anywhere close to that in terms of renewable gas, but we do know it will be much more expensive than current natural gas or propane rates. Sources of renewable gas include gas from dairy digesters or from agricultural byproducts gasification systems. On the labor front, **SB 3 (Leno)** would increase minimum wage to \$13 per hour by July 1, 2017 and would tie future increases beginning on January 1, 2019 to the California Consumer Price Index. **AB 67 (Gonzalez)** would require employers to pay double time if employees work on either Christmas or Thanksgiving. While **AB 304 (Jackson)** would change the methodology for sick leave and mandate a front loaded policy that puts the burden on the employer. **SB 406 (Jackson)** would significantly expand the California Family Rights Act by dra-

atically reducing the employee threshold from 50 to, basically, one. It also expands the family members for whom a leave may be taken, which will provide a California-only, separate 12-week protected leave of absence on both large and small employers. This could be devastating to a small operation where an employee could legally take twelve weeks off. Moving to water, **SB 20 (Pavley)** would make well reports publicly available to any and all to see, while on the positive side **AB 454 (Bigelow)** would provide for an extra year of flexibility in developing groundwater sustainability plans. These are just the highlights of a few of the critical bills that the California Cotton Ginner and Growers Associations (CCGGA) is actively involved in on behalf of the cotton industry. Currently, CCGGA is tracking over 100 bills this session that could impact the tree nut industry in one form or another.

### **CCGGA Shows Support for Pesticides Under Review**

Flubendiamide (Belt) and Chlorpyrifos (Lorsban) are key products for cotton growers across the state. As both products have drawn under review in the recent weeks, CCGGA indicated support of the benefits and vital role these products play in cotton growing and resistance management. Flubendiamide was introduced to the market in 2008 and has since been a reliable option for pest control offering an alternative mode of action for insects such as the beet armyworm, cotton leafworm and cotton leaf perforator. In addition to flubendiamide's method of defense of cotton crops it also has minimal impact on beneficial and does not affect bumblebee and honey bee populations. It is also important to note that under higher tier monitoring studies, flubendiamide or its degraded show no impactful accumulations in water, pore water, sediment of farm ponds, intermittent streams or perennial streams. Since the loss of being able to use neonicotinoids, Chlorpyrifos (Lorsban) has been one of the few products that remain to defend the California cotton industry from pests such as late season aphids, that are known to create "sticky cotton." The potential loss to use Lorsban would not only put the quality and yield of cotton in danger but it would also contribute to the issue of pest resistance as growers have to result to fewer and fewer modes of action. When evaluating chlorpyrifos, the Environmental Protection Agency failed to attain underlying data sets of a Columbia study, yet still will consider the study in its evaluation. Additionally, meeting notes and minutes of when the EPA discussed the approach to addressing the Columbia study were not made public. Both

of these moves are contrary to the EPA's long-standing policy of transparency in scientific-decision making and supporting data access. CCGGA also noted that in evaluating chlorpyrifos, the EPA failed to recognize or review two water studies that used real-world monitoring, one of which used over 40,000 samples, that indicated that the crop use of chlorpyrifos would pass and that there was not toxicological hazards or risk in drinking water even if the product was at its highest levels.

### **State Water Resources Control Board Focusing on Non-Compliant Dischargers**

On Friday, April 17<sup>th</sup>, the Regional Board held a board meeting in the Fresno office. The most concerning item on the agenda was enforcement of Waste Discharge Requirements. Three operations were cited to appear before the regional board; one dairy and two commercial farming operations. The first farming operation (Farm A) called before the Regional Board farmed a little over 300 acres in Madera County. According to the report, the operation is required to comply with Water Code section 13264 which requires that irrigation users report their waste discharges to the Regional Board. The second farming operation (Farm B) that was cited on the docket was a commercial agriculture operation that was separated into multiple parcels across Stanislaus, Merced, and Madera counties. The accumulated acreage for the operation across the several counties totaled over 900 acres. The process that can ultimately lead to a meeting before the Regional Board begins with a Notice of Intent, which notifies operations of their lack of compliance. The notices are sent via certified mail, so when a notice is signed for, the time to respond begins. Once that deadline passes, the Regional Board then moves along with a Notice of Violation (NOV) which is another notice requiring compliance, and notifying the owner that serious fines are to be levied. The fines are listed as \$1,000 per day for non-compliance. Both farms were notified in 2013 of their noncompliance. The owner of Farm B failed to report his discharged acreage to the coalition which kept the time on the fine running. In all, the owner was out of compliance for 204 days resulting in a penalty of over \$200,000 dollars. The Regional Board issued an Administrative Civil Liability Complaint with a reduced amount for \$31,460 dollars. Farm A was cited for non-compliance for not enrolling in a watershed coalition or reporting to the Regional Board and assessed a fine of \$51,480 dollars. As stated above, both farms were notified 2 years ago and encour-

aged to report discharges to the Regional Board or enroll in a watershed coalition. The timeline for unpunished enrollment has long passed, and penalties like these will become more common. If you have not enrolled in a coalition, or reported your discharge to the Regional Board, we encourage you to do so. If you have received a notice of intent or violation, we encourage you to respond to the Regional Board with your plan of action. The fines that are being imposed are very high, and we fear that the longer an operation waits, the levied fines will be much heavier.

### **Special "Hazard Communication" Training from CCGGA & WAPA Coming in June & July**

During the months of June and July, the California Cotton Ginners and Growers Associations and the Western Agricultural Processors Association (WAPA), in conjunction with Zenith and Cal/OSHA Consultation, will be conducting a series of very important "Hazard Communication" training sessions throughout the nut growing regions of the state! The risks of chemical exposure are real and often a component of every workday. The Hazard Communication Standard is OSHA's #2 most frequently cited standard. Any employer whose employees handle, or



are exposed to hazardous chemicals, must have a written hazard communication (HazCom) plan and provide training. The workshop will cover what you need to know and how to comply with the requirement as an 'End User' of handling chemicals in the workplace (i.e. in house labeling requirements, proper secondary containers, and safety data sheets, etc.). During the session, we will cover the following topics:

- Required elements of a HazCom plan
- Responsibilities of employers and workers
- Safety Data Sheets (SDSs)
- Workplace labeling – *What are the options?*
- Training requirements

The Association encourages all owners and managers, HR and safety personnel, superintendents and supervisors, maintenance/shop personnel, and any employees handling chemicals to attend this important safety training! Look for the registration forms in the mail very soon!

California Cotton Ginners and Growers Associations  
1785 N. Fine Avenue  
Fresno, CA 93727

PRESORTED STANDARD  
US POSTAGE PAID  
FRESNO, CA  
PERMIT NO. 2509

[www.ccgga.org](http://www.ccgga.org)

## New Heat Illness Regulations!

Effective today, May 1<sup>st</sup>, the Cal/OSHA Heat Illness Prevention Regulations go into effect! Now that the temperature is heating up, you are required to take steps to prevent heat illness.

- **Water must be “fresh, pure, suitably cool” and located as close as practicable to where employees are working**
- **Shade must be present at 80 degrees F**
- **Shade must accommodate 100% of employees working on the site**
- **When temperature hits 95 degrees F, the employee must be provided a minimum 10 minute cool-down period every two hours**
- **Employees taking a "preventative cool-down rest break" must be monitored for symptoms of heat illness**
- **New training requirements covering employers’ responsibilities, employees’ rights and appropriate first aid and emergency responses**



The Association has updated Appendix R of the Safety Manual for its members to comply with the new regulations.