



The Cotton Chronicle

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

www.ccgga.org

January 2019

Volume 29, Issue 1

Industry Calendar

February 8-10—
NCC Annual Meeting
Antonio, TX

March 13—
Board Meeting
Fresno, CA

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 Devaurs
Director of Regulatory
Affairs
jodi@ccgga.org

Shana Colby
Administrative Assistant
shana@ccgga.org

EPA and Department of the Army Propose New WOTUS Rule

This past month, the federal Environmental Protection Agency (EPA) and the Department of the Army published a revised definition of “Waters of the United States (WOTUS)”. This change would clarify federal authority under the Clean Water Act. This revision would replace the 2015 Clean Water Act Rule and roll-back definitions of certain waters that were previously included in the WOTUS definition, thereby limiting the federal Clean Water Act authority. Furthermore, the proposed rule would limit WOTUS to those waters that are “physically and meaningfully” connected to traditional navigable waters. Under the proposed rule some of the major changes include a new category for “ditches.” These are defined as “an artificial channel used to convey water,” and in order to be defined as a WOTUS they would need to be a navigable water or subject to the ebb and flow of the tide. Another new category would be lakes and ponds, which would be WOTUS only if they meet three criteria, including being traditionally navigable, contribute to a traditionally navigable water or are flooded in a typical year by WOTUS. There are several other changes and comments. The proposed changes are open for comment for 60 days after it is published in the Federal Register.

CPUC to Address Wildfire Cost Recovery

The California Public Utilities Commission (CPUC) has taken action in its goal to empower California through access to safe and affordable utility services and infrastructure. First, a Ruling was issued to set the scope the CPUC will use to examine Pacific Gas and Electric Company’s

(PG&E) and Pacific Gas and Electric Corporation’s current corporate governance, management, and structure to determine the best path forward for Northern Californians to receive safe energy service. Second, as directed by the California Legislature in Senate Bill 901 (2018), the CPUC issued a proposed Rulemaking that would adopt a methodology to be applied in future utility requests for wildfire cost recovery. In the first issue, the CPUC has initiated the next phase of its investigation into PG&E’s and PG&E Corp.’s safety culture by examining the companies’ current corporate governance, management, and structure to determine the best path forward for Northern Californians to receive safe energy service. In the next phase of this proceeding the CPUC will consider a range of possibilities, including:

- Should some or all of the existing PG&E and PG&E Corp. Board of Directors be replaced by Directors with a stronger background and focus on safety?
- Should PG&E retain new corporate management?
- Should the CPUC condition PG&E’s return on equity on safety performance?
- Should PG&E’s natural gas and electric distribution and transmission divisions be split into separate companies controlled by a holding company?
- Should PG&E’s corporate structure be reorganized with regional subsidiaries based on regional distinctions?
- Should the CPUC revoke holding company authorization so PG&E is exclusively a regulated utility?
- Should some or all of PG&E be reconstituted as a publicly owned utility or utilities?

The CPUC may revise the scope of alternatives to be considered after receiving comments from parties. The next step is for the CPUC to obtain input on the various possible approaches to addressing the underlying issue of PG&E's safety culture. The CPUC must have more information and analysis from a range of perspectives before it can consider implementing a particular approach, or choosing an approach to consider in more detail. As to the second issue, the California Legislature, in Senate Bill 901 (2018), directed the CPUC to adopt a methodology to address future utility requests for wildfire cost recovery. If adopted by the CPUC, the Rulemaking would evaluate proposed methodologies to implement a requirement to determine the maximum amount a utility can pay for wildfire-related liabilities without harming ratepayers or materially impacting a utility's ability to provide adequate and safe service. According to the CPUC, they will be mindful of both the finite resources of ratepayers in California, and the importance of maintaining financially viable utilities to provide safe and reliable service. The scope of this proceeding does not include the consideration of cost recovery for any specific fire event. The utilities that will be subject to the findings of the proceeding are PG&E, Southern California Edison, San Diego Gas & Electric, Liberty Utilities, Bear Valley Electric Service, and Pacific Power, a division of PacifiCorp.

CARB Truck and Bus Mileage Reporting Reminder

The Association wants to remind everyone that has a fleet registered with the California Air Resources Board's (CARB) Truck and Bus Reporting System that the mileage reporting timeline opens on January 1st. Recently, CARB's Enforcement Division has been sending out letters to fleets that have been deemed "Non-Compliant" with the TRUCRS Reporting System. These letters often have a fine amount included on the letter, but the Enforcement Division has been working closely with fleet owners to try and get these vehicles back into good standing with the rule. Significant changes have also been made for this upcoming reporting session, specifically to many of the Ag Compliance Options that are available for agricultural fleets. Changes to the reporting options include mileage reductions for Low Use and the Agricultural Mileage Extension Compliance Options. The Low Use compliance option drops from 5,000 miles per year down to 1,000 miles per year. The Agricultural Mileage Extension drops from 15,000 miles per year down to 10,000 miles per year. If you run into any issues in reporting, please feel free to

contact Chris McGlothlin with the Association at chris@ccgga.org, or by phone at 559-252-0684.

New and Changing Labor Laws Into Effect on January 1st

As of January 1st several new labor laws and changes to existing ones went into effect, and agricultural employers need to make sure they are in compliance.

Sexual Harassment

Following the widespread attention to the issue, the state legislature passed a slew of bills addressing sexual harassment. One of the more challenging ones, in terms of ability to comply, will be the new sexual harassment training requirements as set forth by SB 1343. By January 1, 2020, all supervisors must receive at least two hours of sexual harassment prevention training, and all non-supervisory employees must receive at least one hour of sexual harassment training. This includes seasonal employees like those that work at a cotton gin or a tree nut huller or processor. Existing law requires the trainings to include harassment based on gender identity, gender expression, and sexual orientation and to include practical examples of such harassment and to be provided by trainers or educators with knowledge and expertise in those areas. The bill also requires the Department to produce and post both training courses to its website, which employers may utilize instead of hiring a trainer. It is not yet available. AB 1619 greatly enlarges the statute of limitations for filing a civil action for damages for sexual assault to 10 years after the alleged assault or 3 years after the plaintiff discovered or reasonably discovered injury as a result of the assault, whichever is later. AB 2770 codifies case law to ensure victims of sexual harassment and employers are not sued for defamation by the alleged harasser when a complaint of sexual harassment is made and the employer conducts its internal investigation. This bill specifically deems complaints of sexual harassment based on credible evidence as a privileged communication that will not subject a party to a defamation claim from the alleged harasser. This bill also provides additional protections to employers by expressly allowing employers to inform potential employers about the sexual harassment investigation and findings, and whether or not the employer would hire the alleged harasser and whether the decision to not rehire is based upon the employer's determination that the alleged harasser engaged in sexual harassment. Beginning January 1, 2019, SB 820 requires all settlement agreements entered into will pro-

TOGETHER, WE THRIVE.

You put everything into your cotton. To help you get the most out of it, PhytoGen pours all we've got into our cottonseed. Like the industry-leading yield and fiber quality that Pima growers rely on. As well as Acala and Upland breeding programs for improved yield and fiber qualities for those markets. When your seed bag says PhytoGen[®] cottonseed on the outside, everything inside is just flat-out better.



Western Cotton Development Specialist







Jennifer Crawford
(661) 303-2071
jjcrawford@dow.com



®.TM,SM Trademarks or Service Marks of Dow AgroSciences, DuPont or Pioneer and their affiliated companies or respective owners. ©PhytoGen and the PhytoGen Logo are trademarks of PhytoGen Seed Company, LLC. PhytoGen Seed Company is a joint venture between Mycogen Corporation, an affiliate of Dow AgroSciences LLC, and the J.G. Boswell Company. Contact your state pesticide regulatory agency to determine if a product is registered for sale or use in your area. Always read and follow label directions. © 2018 Corteva Agriscience

2019

PIMA & ACALA VARIETY GUIDE

			Herbicide Tolerance Traits	Insect Protection Traits	Maturity	Leaf Type	Seedling Vigor	Micronaire	Staple Length (Inches/32NDS)	Strength (g/tex)	Node of First Fruiting Branch	Plant Height
PIMA	PHY 841 RF	Medium to full statured Pima variety for medium soil types. Excellent yield potential and high fiber quality. Tolerant to Fusarium Race 4.		NA	Mid	Semi-smooth	VG	4.5	1.48/48	45.9	7.8	Med-tall
	PHY 881 RF	Medium to full statured Pima variety suited for medium to heavy clay soil types. Provides Excellent yield potential. Tolerant to Fusarium Race 4.		NA	Early-mid	Semi-smooth	VG	4.5	1.49/48	46.2	7.6	Med-tall
	PHY 888 RF	Full-season, full-statured Pima variety that provides improved yield potential on marginal or tough soil types. Tolerant to Fusarium Race 4.		NA	Early	Semi-smooth	VG	4.8	1.49/48	46.5	NA	Med-tall
ACALA	PHY 764 WRF	Broadly adapted Acala variety with exceptional yield potential and staple length. Featuring WideStrike® Insect Protection.	 		Mid	Semi-smooth	G	4.2	1.21/38	36.5	8.0	Med

RF = Roundup Ready® Flex WRF = WideStrike® Insect Protection, Genuity® Roundup Ready® Flex G = Good VG = Very Good



Join Best Yelder today and become a member of a community of PhytoGen growers. Just visit PhytoGen.com to share your story and enjoy the benefits!



Fiber information for commercially available varieties is based on multi-year averages of available university and company data across the Cotton Belt. Data presented for new varieties are based on company trials and available company data to date. Fiber quality will vary due to seasonal and geographical influences, as well as cultural practices. These numbers are provided for comparison purposes only.

Trait Licenses.

Before opening a bag of seed, be sure to read, understand and accept the trait provider's requirements for the biotechnology traits expressed in the seed as set forth in the technology/stewardship agreements that you sign. A Technology Use Agreement may be signed electronically online at www.agcelerate.com. For additional information, visit www.traitsstewardship.com, call 877-4-TRAITS (877-487-2487) or contact your seed provider. By opening and using a bag of seed, you are reaffirming your obligation to comply with the most recent stewardship requirements.

Dow AgroSciences is a member of Excellence Through Stewardship® (ETS).

Dow AgroSciences is a member of Excellence Through Stewardship® (ETS). Dow AgroSciences' products are commercialized in accordance with ETS Product Launch Stewardship Guidance and Dow AgroSciences' Product Launch Stewardship Policy. Before selecting varieties for your crop plan, Dow AgroSciences recommends you know and understand whether the variety you have chosen is a conventional variety, one approved for export, or one not yet approved for export. It is important that you consult your trait provider's technical agreements and product information prior to planting to understand crop requirements and approved markets. Any crop or material produced from seed containing a biotechnology trait(s) can only be exported to, or used, processed or sold in countries where all necessary regulatory approvals have been granted. It is a violation of national and international law to move material containing biotechnology traits across boundaries into nations where import is not permitted. Talk to your grain handler or purchaser in advance to facilitate appropriate crop and grain or material handling and marketing. For further information about your crop or grain marketing options, contact Dow AgroSciences at 877-4-TRAITS (877-487-2487). Information regarding the regulatory and market status of agricultural biotechnology products can be found at www.biotradestatus.com. Excellence Through Stewardship® is a registered trademark of Excellence Through Stewardship.

Monsanto Company is a member of Excellence Through Stewardship® (ETS).

Monsanto products are commercialized in accordance with ETS Product Launch Stewardship Guidance, and in compliance with Monsanto's Policy for Commercialization of Biotechnology-Derived Plant Products in Commodity Crops. This product has been approved for import into key export markets with functioning regulatory systems. Any crop or material produced from this product can only be exported to, or used, processed or sold in countries where all necessary regulatory approvals have been granted. It is a violation of national and international law to move material containing biotech traits across boundaries into nations where import is not permitted. Growers should talk to their grain handler or product purchaser to confirm their buying position for this product. Excellence Through Stewardship® is a registered trademark of Excellence Through Stewardship. Cottonseed containing Monsanto traits may not be exported for the purpose of planting without a license from Monsanto.

ALWAYS READ AND FOLLOW PESTICIDE LABEL DIRECTIONS.

Roundup Ready® crops contain genes that confer tolerance to glyphosate agricultural herbicides. Glyphosate will kill crops that are not tolerant to it. ®Genuity, Genuity and Design, Genuity Icons, and Roundup Ready are trademarks of Monsanto Technology LLC.

®TM, SM Trademarks or Service Marks of Dow AgroSciences, DuPont or Pioneer and their affiliated companies or respective owners. ®PhytoGen and the PhytoGen Logo are trademarks of PhytoGen Seed Company, LLC. PhytoGen Seed Company is a joint venture between Mycogen Corporation, an affiliate of Dow AgroSciences LLC, and the J.G. Boswell Company. Contact your state pesticide regulatory agency to determine if a product is registered for sale or use in your area. Always read and follow label directions. © 2018 Corteva Agriscience



hibit and make void any provision that prevents the disclosure of factual information related to civil or administrative complaints of sexual harassment, sexual assault, workplace harassment, or discrimination based on sex. This bill does not prevent parties from mutually agreeing to settle, but it will prohibit individuals and/or businesses from requiring a claimant to remain silent about the alleged assault/harassment as a condition of settlement. Further, SB 820 will expressly authorize provisions that (1) preclude the disclosure of the amount paid in settlement of a claim and (2) protect the claimant's identity and any fact that could reveal the identity, so long as the claimant has requested such anonymity and the opposing party is not a government agency or public official.

Overtime Update

On January 1, the new overtime provisions for agricultural employers go into effect, at least for those with more than 25 employees. As the new year begins, AB 1066 lowers the 10-hour-day threshold for overtime to 9.5 hours in a day and 55 hours per week when overtime pay is required for those employers with 26 or more employees. Here is a reminder of the phase-in schedule for all agricultural employers:

Employers with more than 25 employees:

January 1, 2019: Overtime must be paid for work in excess of 9 ½ hours per workday or in excess of 55 hours per week.

January 1, 2020: Overtime must be paid for work in excess of 9 hours per workday or in excess of 50 hours per week.

January 1, 2021: Overtime must be paid for work in excess of 8 ½ hours per workday or in excess of 45 hours per week.

January 1, 2022: Overtime must be paid for work in excess of 8 hours per workday or in excess of 40 hours per week. Any work in excess of 12 hours in one day must be compensated at the rate of no less than twice the employee's regular rate of pay.

Employers with 25 or fewer employees:

January 1, 2022: Overtime must be paid for work in excess of 9 ½ hours per workday or in excess of 55 hours per week.

January 1, 2023: Overtime must be paid for work done over 9 hours per workday or in excess of 50 hours per week.

January 1, 2024: Overtime must be paid for work in excess of 8 ½ hours per workday or in excess of 45 hours per week.

January 1, 2025: Overtime must be paid for work in excess of 8 hours per workday or in excess of 40 hours per week. Any work in excess of 12 hours in one day must be compensated at the rate of no less than twice the employee's regular rate of pay.

Reminder – Minimum Wage Increase Effective January 1st

This is just to remind employers that minimum wage goes up on January 1st, as per the following schedule:

For employers with 26 or more employees:

Time Period	Wage
January 1, 2019 – December 31, 2019	\$12.00
January 1, 2020 – December 31, 2020	\$13.00
January 1, 2021 – December 31, 2021	\$14.00
January 1, 2022 until adjusted annually by CPI*	\$15.00

For employers with 25 or fewer employees:

Time Period	Wage
January 1, 2019 – December 31, 2019	\$11.00
January 1, 2020 – December 31, 2020	\$12.00
January 1, 2021 – December 31, 2021	\$13.00
January 1, 2022 – December 31, 2022	\$14.00
January 1, 2023 until adjusted annually by CPI*	\$15.00

NCC Annual Meeting is Right Around the Corner

The 2019 Annual Meeting of the National Cotton Council will be held at the Marriott Rivercenter Hotel, San Antonio, TX. There are several important considerations for you to note. The first Council events will begin at 1:30 p.m. on Friday, February 8. The convention's final event, the General Session, begins at 10:00 a.m. and concludes by 12:00 noon on Sunday, February 10. Policy development at the 2019 Annual Meeting will begin with the

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

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

Go Electronic!

Do you want our Newsletter & Latest News directly to your inbox? Send your name and email address to info@ccgga.org and we'll get you on the list to receive our important and informative monthly newsletter electronically. It's easy!

Newsletter Sponsored by: PhytoGen Cottonseed

meetings of the six program committees on Saturday morning, February 9, followed by Board review of the program committee recommendations that afternoon and consideration of those recommendations by all delegates as the first business item during the General Session on Sunday morning. Also included in the General Session will be the 2018 activities report from Council Chairman Ron Craft. For details, please visit www.cotton.org.

Registration Open for 2019 CCGGA Annual Meeting!

The California Cotton Ginners and Growers Association is looking forward to hosting the 2019 CCGGA Annual Meeting at The Cliffs Hotel and Spa from May 15th-17th in Pismo Beach, CA. This year's meeting will surely be a good time with a jam-packed agenda!

Attendees can look forward to a Wednesday evening welcome reception, the annual CCGGA Golf Tournament at the Avila Beach Golf Resort, Thursday evening reception and dinner with entertainment, as well as an informative gathering at the Friday business meeting. Hotel accommodations can be made by calling The Cliffs Hotel and Spa at (805)773-5000. In order to receive the group rate of \$199/night, identify that you are with California Cotton Ginners & Growers Association group. Hotel reservations must be made by **Monday, April 22nd**. Registration and sponsorship opportunities are now open. You can register and pay online at www.ccgga-events.com.

**CCGGA ANNUAL
MEETING
MAY 15-17
PISMO, CA**

**REGISTRATION
NOW OPEN**

