



The Cotton Chronicle

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

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Industry Calendar

March 9
Board Meeting
Fresno, CA

CCGGA Staff

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

Christopher McGlothlin
Director of Technical
Services
chris@ccgga.org

Priscilla Rodriguez
Director of Regulatory
Affairs
priscilla@ccgga.org

Shana Colby
Administrative Assistant
shana@ccgga.org

Wire Theft on the Increase



This past month **Association President/CEO Roger Isom** attended the **California Rural Crime Prevention Task Force Meeting** in Santa Nella. The task force is made up of county sheriff departments, and district attorney staff from rural counties throughout the state. One of the issues that came up is that wire theft is on the rise, as the price for copper has hit \$5 per pound. We were advised to notify our members to be on the lookout. They like to hit places on the weekends or when no one is around, so please be extra vigilant. If you become aware of anything, please notify the county sheriff immediately.

EPA Announces Endangered Species Act Protection Policy for New Pesticides

The U.S. Environmental Protection Agency (EPA) is taking action to further the Agency's compliance with the Endangered Species Act (ESA) when evaluating and registering new pesticide active ingredients (AIs). Before EPA registers any new conventional AI, the Agency will evaluate the potential effects of the AI on federally threatened or endangered (listed) species, and their designated critical habitats, and initiate ESA consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (the Services). Prior to this action, there was a litany of resource-intensive litigation against EPA for registering new AIs prior to as-

sessing potential effects on listed species. EPA's new policy should reduce these types of cases against the Agency and improve the legal defensibility of new AIs, which often have lower human health and ecological risks than older pesticides. Under this new approach, if EPA finds through its analyses that a new conventional pesticide AI is likely to adversely affect listed species or their designated critical habitats, EPA will initiate formal consultation with the Services before granting a new AI registration. As part of its analysis and under its existing authorities, EPA will consider the likelihood that the registration action may jeopardize the continued existence of listed species or adversely modify their designated critical habitat and provide its findings to the Services. To determine or predict the potential effects of a pesticide on these species and habitats, EPA will use appropriate ecological assessment principles and apply what it has learned from past effects determinations and the Services' biological opinions. If EPA determines that jeopardy or adverse modification is likely, the Agency will only make a registration decision on the new AI after requiring registrants to implement mitigation measures that EPA determines would likely prevent jeopardy or adverse modification. If EPA finds that a new AI is likely to adversely affect listed species or their critical habitat, but that jeopardy/adverse modification is not likely, it may nonetheless require registrants to include mitigation measures on their registration and product labeling to minimize the effects of incidental take to listed species that could result from use of a pesticide.

New Hazardous Waste Environmental Fee Goes into Effect

Beginning this month, the California Department

of Tax and Fee Administration made changes to their 2022 hazardous waste environmental fee rates. In doing so, they helped small operations with less than 100 employees, but severely penalized those with 500 or more employees. Currently, organizations operating in California with 50 or more employees who are each employed more than 500 hours in California during the prior calendar year, must file and pay the environmental fee. Starting January 1, 2022, the employee threshold will increase from 50 employees to 100 employees. The new rates will be paid beginning with the company’s 2022 filing due on February 28, 2023. For this year’s filing, due February 28, 2022, the rates remain in place. Here is the new schedule as compared to the current schedule:

Number of Employees	2021	2022
1 to 49	\$0	\$0
50 to 74	\$357	\$0
75 to 99	\$627	\$0
100 to 249	\$1,244	\$1,261
250 to 499	\$2,669	\$2,706
500 to 999	\$4,985	\$16,000
1000 or more	\$16,911	\$54,100

According to the State, the fee is collected on behalf of the Department of Toxic Substances Control and supports protection of California’s communities and the environment. The fees are assessed to most organizations, because they use, generate, store, or conduct activities in the state related to hazardous materials (activities related to hazardous materials include the use of products such as paper, ink, plastics, paint, etc., which were manufactured using hazardous materials).

EPA Approves PM 2.5 Standard Revisions, Finds Valley in Attainment

This week, the U.S. Federal Environmental Protection Agency (EPA) has published the final rule approval for the 1997 24-hour PM_{2.5} standards as established under the Clean Air Act. With this rule approval designation, U.S. EPA also found that the San Joaquin Valley is in attainment with the 1997 24-hour standard. The standard requires that PM_{2.5} readings maintain below 65 micrograms/m³ in a 24-hour span. The 1997 standard is one of four major standards under the National Ambient Air Quality Standards (NAAQS) that the Air District must be in attainment with, or be implementing rules to help achieve attainment by specific dates. Historically, the Air District originally failed to meet the December 2015 deadline for attainment

designation as previously established, and was forced to develop more stringent regulations in various industries in order to achieve the secondary attainment deadline of December of 2020. Several Air District rules targeting agriculture were developed as a result of this standard. With help from the Association, and many other agricultural associations, rules against the industry were limited to only the ones that could provide the largest amount of emissions reductions. Earlier this year, EPA made an announcement that components of the Air District’s State Implementation Plan addressing regulations that provided emission reductions to reach attainment on this standard, would not be approved. Many feared that this would result in additional rules being crafted in order to achieve the necessary threshold to put the plan back into attainment, specifically in the agricultural sector. However, the Air District provided additional an updated strategy considering existing regulations, several of which are set to sunset specific practices and thus eliminate the emissions associated with those sectors. This is a significant achievement for the local Air District, and also further highlights the reductions achieved by voluntary and incentive based agricultural programs in the Valley.

2022 Bale Packaging Committee Meeting

Those planning to attend the 2022 Joint Cotton Industry Bale Packaging Committee (JCIBPC) Annual Meeting on Wednesday, February 23 at the Embassy Suites by Hilton in Memphis, Tennessee are strongly encouraged to pre-register by completing and submitting the on-line form at <https://bit.ly/2DdEqSV>. Pre-registration ends on Wednesday, February 16th. On-site badge pickup/registration will open at 11 a.m. on February 23rd. The first general session will be held from 1-3 pm, the executive session from 3:15-4 pm, and the JCIBPC’s actions on requests announced



next during a short second general session.

Trust Protocol Enrollment Sought

Enrollment for the 2021 crop in the U.S. Cotton Trust Protocol® remains open until March 31, 2022. More about this sustainability initiative, including how to enroll, is at www.TrustUSCotton.org. Questions can be directed to the Grower Helpdesk at growers@trustuscotton.org. Producers are encouraged to enroll their 2021 crop information by the deadline in order to be eligible for any revenue sharing that may be available in 2022.



Other Trust Protocol updates can be followed on Facebook at www.facebook.com/trustuscotton and on Instagram at www.instagram.com/trustuscotton/.

Governor Appoints New Cal/OSHA Chief

Governor Gavin Newsom has appointed **Jeff Killip** as the new chief of the Division of Occupational Safety and Health. Killip has been acting deputy assistant director at Washington state's version of DOSH. "Jeff has extensive experience in workplace health and safety and public policy," says **Katie Hagen**, director of the Department of Industrial Relations in announcing the hire. Killip's start date has not been announced. In addition to his current post at Washington DOSH, including senior program manager for education and outreach, industrial hygiene technical policy manager, and standards program manager. Killip holds a Master of Public Health degree from John Hopkins University and a law degree from Seattle University. He has been at Washington DOSH since 2013.

Here We Go Again – Covid Paid Sick Leave Bill Introduced

Assembly Bill 84 was introduced by the Budget Committee to modify the previous SB 95 COVID-19 Supplemental Paid Sick Leave policy which expired in September 2021. The new bill will retroactively begin on January 1, 2022, and last until September 30, 2022, and will provide supplemental paid sick leave for covered employees who are unable to work or telework due to certain reasons related to COVID-19. This will apply to employees that may attend a COVID-19 vaccine or vaccine booster appointment for themselves or a family member, or are experiencing symptoms, or caring for a family member experiencing symptoms, related to a COVID-19 vaccine or vaccine boost-

er. AB 84 would entitle a covered employee to 40 hours of COVID-19 supplemental paid sick leave if that employee either works full time or was scheduled to work, on average, at least 40 hours per week for the employer in the two weeks preceding the date they took COVID-19 supplemental paid sick leave. In addition to the COVID-19 supplemental paid sick leave described above, an employee would also be eligible to take up to 40 more hours of COVID-19 supplemental paid sick leave if the covered employee, or a family member for whom the covered employee is providing care, tests positive for COVID-19. The employer is authorized to require the employee, if they test positive, to submit to another test on or after the fifth day after the first positive test and provide documentation of those results. AB 84 would also authorize the employer to require the employee to provide documentation of a family member's test result before paying the additional COVID-19 supplemental paid sick leave. The bill specifies that the employer has no obligation to provide additional COVID-19 supplemental paid sick leave if the staff member refuses to provide documentation of a test result. This bill is already in the Senate and moving quickly.

Annual Summary of Work-Related Injuries and Illnesses

Reminder - the **Annual Summary of Work-Related Injuries and Illnesses (Cal/OSHA Summary 300A)** is required to be completed by February 1st for posting on your bulletin board from February 1st – April 30th. Also, be sure to electronically submit Form 300A 2021 data by March 2, 2022 into the Federal OSHA Injury Tracking Application website. Refer to federal OSHA's Injury Tracking Application website for information and instructions on electronic submission <https://www.osha.gov/injuryreporting/ita/>.

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

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DPR Announces Four County Pesticide Notification Pilot Projects

Recently, four County Agricultural Commissioners (CACs) announced a voluntary partnership with the California Department of Pesticide Regulation (DPR) to launch pilot projects to support DPR's development of a statewide pesticide application notification system. The pilot projects will launch between February and July 2022 and will help inform the design and implementation of the state's statewide notification system. DPR Director Julie Henderson stated, "The purpose of the notification system is to provide transparent and equitable access to information to enable the public to make informed decisions about actions they may take to protect their health. This voluntary partnership between County Agricultural Commissioners and DPR on pilot projects is an important step in the development of a statewide system. We look forward to feedback from community members, growers and commissioners on the pilots to inform the statewide system and improve community access to information."

The pilots will be conducted in communities located within Riverside, Santa Cruz, Stanislaus and Ventura counties.

- **Riverside Notification System Pilot** will provide notifications in the Eastern Coachella Valley and is expected

to launch as early as February.

- **Santa Cruz Notification System Pilot** will provide notifications to the Senior Village Community in Watsonville and surrounding homes. The project is expected to launch in July.
- **Stanislaus Notification System Pilot** will provide notifications to the community of Grayson. The project is expected to launch in April. Stanislaus CAC plans to coordinate community meetings in the near future to provide more information and will also share information on the pilot on the office's website.
- **Ventura Notification System Pilot** will provide notifications to the Nyeland Acres Community. The project is expected to launch in April.

The 2021-22 state budget allocated \$10 million to DPR to begin the development of a statewide notification system. DPR anticipates implementing the statewide system in 2024. In addition to supporting county-led pilot projects, DPR is planning public workshops this spring to collect input on the statewide notification system's design. The department is additionally in the process of developing the technology for a statewide system and will draft the regulation to establish consistent, statewide requirements for the system's implementation in 2024.