



The Cotton Chronicle

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July 2022

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Industry Calendar

August 30
Supima Annual
Meeting
Coalinga, CA

September 13
Research Funding
Meeting
Fresno, CA

September 14
Board Meeting
Fresno, CA

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2022 American Pima Grade Standards Guide Box Review and Standards Matching

Wednesday, July 20, 2022

Visalia, CA Classing Office

10:00am

Please join us to review, comment, and approve the six guide boxes of the 2022 American Pima Grade Standards. Once approved, the guide boxes will be used as the reference to match all the 2022 American Pima Grade Standards. The guide box review and the standards matching will both take place the morning of July 20th. Industry participation is key to this process and we hope you all can come and be a part of this important annual event.

For additional information please contact:
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DPR Releases Next Draft Pesticide Notification

The California Department of Pesticide Regulation (CDPR) has released their proposal for their new "Pesticide Application Notification System." While not as robust as initially feared, the proposal goes beyond reasonableness and opens the door to unwarranted activism. CDPR's proposed system will have nine critical elements, set forth as follows:

1. **ANTICIPATED USERS** – The proposed statewide system design would allow any person to search for and/or be notified about scheduled applications of certain pesticides within a par-

ticular distance of a valid California street address. The proposed design would allow users to search anonymously for scheduled applications.

2. **ACCESS TO NOTIFICATION** – The proposed statewide system would provide two options for accessing information about pesticide applications. One option would allow users to anonymously enter a valid California address through a web-based platform to access notifications of applications. The other option would allow users to subscribe to automatically receive notification messages by providing any valid California address and either a phone number or email address to receive the notification.
3. **PESTICIDES INCLUDED IN THE NOTIFICATION SYSTEM** – The proposed statewide system would notify users of all permitted restricted materials, which require a Notice of Intent (NOI). Restricted materials are pesticides that pose a higher potential risk to public health or the environment compared to other pesticides.
4. **NOTIFICATION AREA** – The proposed statewide notification system would pull information directly from the Notices of Intent submitted by growers as part of the permitting process for using restricted material pesticides. The standard location information submitted on all Notices of Intent is based on a statewide mapping grid system. The most specific location included in this mapping grid is a one square mile area called a "section" (see numbered squares below). Each section is comprised of 640 acres. A Notice of Intent specifies the section in which the application is planned to occur. For example, site #2 is a 30-acre farm

located somewhere within the 640 acres of section #26. In the proposed system, users would enter any valid California street address (see home icon to the right) and



receive information about planned applications in the section in which the address is located (see red square, site #1), and all adjacent sections (see red square, site #2). Referencing this image, the department is proposing that the public could view pesticide appli-

cations within as a 9 square mile area around the address entered (see yellow box). In this example, an application in site #3 would not trigger a notification for the address located in section #21.

- 5. **NOTIFICATION DELIVERY TIME**—The proposed system would provide information about approved applications of restricted material pesticides at least 24 hours prior to a scheduled application.
- 6. **LANGUAGE** – The proposed notification system would at a minimum be available in English and Spanish.
- 7. **DELIVERY MECHANISM** – Internet-based options that are being considered for the delivery of notification messages to users who subscribe to automatically receive notification messages include e-mail, SMS texts, or push notifications.
- 8. **INFORMATION INCLUDED IN THE NOTIFICATION** – A notification would include (a) the planned date of the pesticide application, (b) the location of the section where the application will occur relative to the address entered (see example in image above), and (c) the pesticide being applied.
- 9. **USER RESOURCES** – Many existing websites (including DPR’s website) provide resources, such as detailed descriptions about restricted materials or how to report a potential pesticide exposure. The department would share its existing materials and is considering what additional content or references to other websites and resources could be helpful.

Most concerning in CDPR’s proposal is that the notification is NOT limited to the only those who could be exposed by the pesticide application. We are concerned the only possible purpose for those not directly impacted by

the pesticide application is to create the opportunity for activism and possibly even stop the application itself. In Monterey County, more that 60% of the people notified about fumigation applications don’t even live in California! In addition, the distance for those to be officially notified is not specified and will be debated in the workshop process. We believe the pesticide labels already provide the protection necessary as EPA and CDPR already consider exposure to bystanders and anyone else that could be exposed into consideration. This proposal goes way beyond that and is not warranted. Workshops were held this past month and CDPR is still accepting comments until July 15th. We encourage anyone and everyone concerned with this proposal to weigh in and comment.

Detention and Demurrage Fee Bill Passes Two More Hurdles

AB 2046 (Aguiar-Curry) passed the Senate Transportation Committee on a 15-0 vote, and then the following week passed the Senate Judiciary Committee on an 11-0 vote. Now to the Senate floor and then on to the Governor. Existing law prohibits an intermodal marine equipment provider or intermodal marine terminal operator from imposing per diem, detention, or demurrage charges on an intermodal motor carrier relative to transactions involving cargo shipped by intermodal transport under certain circumstances, including when an intermodal marine terminal decides to divert equipment without 48 hours’ notice. AB 2406 would also prohibit an intermodal marine equipment provider from imposing those charges, or extended dwell or congestion charges, or commencing or continuing free time, as defined, on an intermodal motor carrier, beneficial cargo owner, or other intermediary relative to transactions involving cargo shipped by intermodal transport under certain circumstances. The bill would instead specify that those circumstances include when the intermodal equipment provider decides to divert equipment without notice, as described above, and also include when the intermodal motor carrier documents an unsuccessful attempt to make an appointment for either a loaded or empty container. The bill would also specify that those circumstances include when a booked vessel cancels, booking is moved to a later vessel, or when early return dates are otherwise unilaterally advanced or delayed after equipment has been picked up and when the obstacles to the cargo retrieval or return of equipment are within the scope of responsibility of the carrier

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or their agent and beyond the control of the invoices or contracting party. The **Association's President/CEO Roger Isom** testified in support of the bill stating "these fees "add insult to injury" when they are the shipping companies' fault and not ours! Our members have paid thousands of dollars in inappropriate fees, and we encourage the committee to pass this bill today."



Minimum Wage to \$15.50 on January 1, 2023 for All California Employers

On April 16, 2016, Governor Brown signed SB 3 (Leno) to start California's move to a \$15 per hour minimum wage. The main focus of the bill was the annual increase over five years to meet this goal. On January 1, 2022, those employers with 26 or more employees reached \$15, while those with 25 or fewer employers are scheduled to reach it on January 1, 2023. In May, the Governor announced an additional increase on January 1, 2023 raising the minimum wage to \$15.50 per hour for all employers. While many question why the Governor would make such a move, it was not a choice for him, the law requires it:

Labor Code Section 1182.12 (c) states:

"(c) (1) Following the implementation of the minimum wage increase specified in subparagraph (F) of paragraph (2) of subdivision (b), on or before August 1 of that year, and on or before each August 1 thereafter, the Director of Finance shall calculate an adjusted minimum wage. The calculation shall increase the minimum wage by the lesser of 3.5 percent and the rate of change in the averages of the most recent July 1 to June 30, inclusive, period over the preceding July 1 to June 30, inclusive, period for the United States Bureau of Labor Statistics nonseasonally adjusted United States Consumer Price Index for Urban Wage Earners and Clerical Workers (U.S. CPI-W). The result shall be rounded to the nearest ten cents (\$0.10). Each adjusted minimum wage increase calculated under this subdivision shall take effect on the following January 1.

(2) If the rate of change in the averages of the most recent July 1 to June 30, inclusive, period over the preceding July 1 to June 30, inclusive, period for the United States Bureau of Labor Statistics nonseasonally adjusted U.S. CPI-W is negative, there shall be no in-

crease or decrease in the minimum wage pursuant to this subdivision on the following January 1.

(3) (A) Notwithstanding the implementation timing described in paragraph (1) of this subdivision, if the rate of change in the averages of the most recent July 1 to June 30, inclusive, period over the preceding July 1 to June 30, inclusive, period for the United States Bureau of Labor Statistics nonseasonally adjusted U.S. CPI-W exceeds 7 percent in the first year that the minimum wage specified in subparagraph (F) of paragraph (1) of subdivision (b) is implemented, the indexing provisions described in paragraph (1) of this subdivision shall be implemented immediately, such that the indexing will be effective on the following January 1.

(B) If the rate of change in the averages of the most recent July 1 to June 30, inclusive, period over the preceding July 1 to June 30, inclusive, period for the United States Bureau of Labor Statistics nonseasonally adjusted U.S. CPI-W exceeds 7 percent in the first year that the minimum wage specified in subparagraph (F) of paragraph (1) of subdivision (b) is implemented, notwithstanding any other law, for employers with 25 or fewer employees the minimum wage shall be set equal to the minimum wage for employers with 26 or more employees, effective on the following January 1, and the minimum wage increase specified in subparagraph (F) of paragraph (2) of subdivision (b) shall be considered to have been implemented for purposes of this subdivision."

This little-known section tucked away in SB 3 has now been triggered due to the Nation's inflation rate hovering above 7 percent. If only the "Nation" had the same minimum wage rate...

(Article from to offices of Kahn, Soares & Conway).

Imidacloprid Detections Found to Not be an Issue

Between 2003 and 2021, the Department of Pesticide Regulation (DPR) conducted statewide groundwater sampling for imidacloprid. DPR's Groundwater Protection Program (GWPP) analyzed more than 700 groundwater samples from over 400 wells for detections of imidacloprid. Between 2014 and 2021, DPR's GWPP detected imidacloprid in Fresno, Santa Barbara, and Tulare counties in 16 unique wells at trace levels and in 16 unique wells above the reporting limit (0.05 ppb be-

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tween 2014 and 2020, and 0.02 ppb in 2021), with detections ranging from 0.022 to 5.97 ppb. Where a pesticide is detected in groundwaters of the state and the detection is determined to be the result of legal agricultural use of the pesticide, a hearing before the Pesticide Registration and Evaluation Committee subcommittee is held upon request to determine if the pesticide pollutes or threatens to pollute groundwater. After evaluating the imidacloprid detections, GWPP determined that they resulted from legal agricultural uses of imidacloprid. On September 21, 2021, DPR issued California Notice 2021-08 notifying registrants of agricultural use imidacloprid products of the legal agricultural use determination and the opportunity to request a hearing. After receiving hearing requests, the subcommittee held a public hearing on March 22-23, April 19, and May 17, 2022. During the course of the hearing process, the subcommittee received nearly 4,000 public comments. After consideration of the evidence presented by hearing participants and through public comment, the subcommittee found that the presence of imidacloprid in the groundwaters of the state has not polluted and does not threaten to pollute the state's groundwaters within the meaning of "pollute" as defined under Food and Agricultural Code section 13142. While the subcommittee found that imidacloprid does not currently pollute or threaten to

pollute groundwater, it recommended continued groundwater monitoring by GWPP and a human health toxicologic assessment by HHA. Based on the evidence presented in this proceeding, as well as the reasons outlined above, the Director of DPR concurred with the subcommittee's unanimous finding that imidacloprid currently does not pollute and does not threaten to pollute the state's groundwaters. However, imidacloprid will remain subject to groundwater monitoring requirements and DPR's program of continuous evaluation.

68th Supima Annual Meeting

Please join us at Harris Ranch Inn in Coalinga, California on Tuesday, August 30th for the 68th Supima Annual Meeting. Members and all segments of the industry will have the opportunity to learn about Supima's current and future activities. The program will include an update of our promotional and licensing activities along with an ELS market update and other pertinent news.

The meeting is scheduled from 10:30 a.m. until noon and will be followed by a buffet lunch.

Please register by Friday, August 26, 2022 by emailing Nancy Boyd at nancy@supima.com.