



The Cotton Chronicle

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November 2022

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Industry Calendar
Board Meeting
December 7, 2022
Fresno, CA

Elections: Time for Nominations is Here

It's time for nominations to be submitted for the upcoming election of directors to open positions on the Board of Directors of the California Cotton Ginners and Growers Association. There are four (4) Grower Director terms expiring this year, including **Gary Martin, Andrew Clark and Vince Marshall of Fresno County, and Steve Wilbur of Tulare County.** The positions are for these specific counties. There are four (4) Ginner Director terms expiring this year, including **Wayne Gilbert, Kirk Gilkey and two vacancies.** Nomination forms must be completed and returned to the Association office by **Wednesday, November 23, 2022.**

Ag Industry Meets with Fresno State's Dean Dr. Rolston St. Hilaire

The Association hosted a luncheon with Fresno State's new **Jordan College Dean Dr. Rolston**



St. Hilaire and Ag industry representatives. The meeting provided an opportunity to for the industry to get to know the Dean St. Hilaire and hear his vision and overall plans for the Jordan College at Fresno State. The Association reiterated its commitment to collaborating and supporting the school. We look forward to working

with the Dean and to Fresno State's success at the Jordan College.

Beltwide Cotton Conference Registration is Open

Cotton producers, independent crop consultants and students who register for the 2023 Beltwide Cotton Conferences (BWCC) before December 14 can take advantage of reduced registration fees of \$80. After that date, the rate will increase to \$100. The forum, set for January 10-12 at the New Orleans Marriott in New Orleans, La., will offer attendees updates on the latest research, technology and issues affecting U.S. cotton production and processing. Those planning to attend are encouraged to register by clicking on the registration tab at the BWCC home page, www.cotton.org/beltwide/. This page also includes links to more information about the forum, including housing reservations and an updated program. The BWCC's Cotton Consultants Conference will run from the afternoon of January 10 through the morning of January 11. Topics being considered include updates on ThryvOn™ cotton; herbicide resistance; the U.S. Cotton Trust Protocol®; changes in climate and weather patterns and the impact on crops; regulatory updates and pesticide impacts from the Endangered Species Act; new precision agriculture technologies; retail inventory and supply chain status of fertilizer and chemistries; and dicamba usage.

Sites Reservoir Awarded Additional \$30 Million in Federal Funds

Federal investment in Sites Reservoir was reinforced this month with an additional \$30 mil-

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lion in funding allocated from the Infrastructure Investment and Jobs Act (passed in 2021). With the allocation of these funds, Sites has now received roughly \$134 million in federal funding from the Bureau of Reclamation for construction of the Sites Reservoir Project. “Sites Reservoir creates new resiliency for California in the face of climate change,” said **Fritz Durst, chairman of the Sites Project Authority**. “Through Sites, we are building smarter infrastructure that will provide water supplies for people, farms and the environment when it’s needed most.”

Sites will provide significant public benefits, including environmental, flood control and recreational benefits. The investment from the project’s federal partners will enhance what the project will deliver for the environment and would be additive to environmental benefits provided by the State’s Proposition 1 dollars. **Bureau of Reclamation Commissioner Camille Calimlim Touton**, commented “Our investment in these projects will increase water storage capacity and lay conveyance pipeline to deliver reliable and safe drinking water and build resiliency for communities most impacted by drought.”

Air District Accepts and Appropriates \$118 Million for FARMER Funding

This past month, the **San Joaquin Valley Air Pollution Control District Governing Board** accepted and appropriated \$118 million in new FARMER funding to help replace older diesel tractors and harvesters with new Tier 4 equipment. This is the 5th year for the FARMER program, and in the first four years, the District had allocated more than \$432 million to replace ag equipment. This year’s money is a significant shot in the arm and comes just in time as the Air District’s queue of applications increased from 2,061 to 3,305 just since April! **Association President/CEO Roger Isom** attended the Governing Board Meeting and testified in support of the allocation. In doing so, Isom thanked the District staff and the Board for their support in this funding and emphasized the need for this funding to help agriculture be a part of the solution to the Valley’s air quality problems. Isom stated “Agriculture can’t pass along the cost of new equipment like other industries, and this is exacerbated by the drought and incredibly high input costs. The incentive programs, like FARMER have been hugely successful and we must continue them.” In allocating the \$118 million, the District will also hire additional staff to help address this growing backlog of applications.

EEOC Releases Updated ‘Know Your Rights’ Poster

The U.S. Equal Employment Opportunity Commission (EEOC) has released a new ‘Know Your Rights’ poster, which updates and replaces the previous “EEO is the Law” poster. Covered employers are required by federal law to prominently display the poster at their work sites. The EEOC’s web page for the poster provides information about where to post it. The poster also includes a QR code for applicants or employees to link directly to instructions for how to file a charge of workplace discrimination with the EEOC. A number of the laws that the EEOC enforces require covered employers to post a notice describing the Federal laws prohibiting job discrimination. The poster summarizes these laws and explains that employees or applicants can file a charge if they believe that they have experienced discrimination. The poster shares information about discrimination based on:

- Race, color, sex (including pregnancy and related conditions, sexual orientation, or gender identity), national origin, religion,
- Age (40 and older),
- Equal pay,
- Disability,
- Genetic information (including family medical history or genetic tests or services), and includes
- Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding.

CalOSHA Releases New Draft of Workplace Violence Standard

California has more rules and regulations governing businesses than any other state in the union. And they aren’t stopping or even slowing down. This month, California will not disappoint as they have released yet another draft regulation. This time the draft regulation comes from the Cal/OSHA Standards Board and is a regulation covering workplace violence. Entitled “Workplace Violence in All Industries” the draft regulations set forth new regulatory requirements for all employers, including farms. This new regulation will require businesses to have a written plan, conduct training, keep records, and conduct investigations on every single accident related to violence in the workplace. Cal/OSHA is stating that “workplace violence” means any act of violence or threat of violence that occurs in a place of employment, including the following:

- A. The threat or use of physical force against an employee that results in, or has a high likelihood of resulting in, injury, psychological trauma, or stress, regardless of whether the employee sustains an injury;
- B. An incident involving the threat or use of a firearm or other dangerous weapon, including the use of common objects as weapons, regardless of whether the employee sustains an injury;
- C. Four workplace violence types:
 - 1) "Type 1 violence" means workplace violence committed by a person who has no legitimate business at the worksite and includes violent acts by anyone who enters the workplace with the intent to commit a crime.
 - 2) "Type 2 violence" means workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors.
 - 3) "Type 3 violence" means workplace violence against an employee by a present or former employee, supervisor, or manager.
 - 4) "Type 4 violence" means workplace violence committed in the workplace by someone who does not work there but has or is known to have had a personal relationship with an employee.

Knowing this, each employer must then establish, implement, and maintain an effective workplace violence prevention plan in writing, and made available to all employees at all times. This workplace violence prevention plan is extremely detailed and must include information on how to communicate the plan, how to respond to reports of workplace violence, and how to involve the workers in the plan. It must also include the method on how workers get alerted of workplace violence and where and how they evacuate. Then the company must create and maintain a "Violent Incident Log" that chronicles and details every single incident. Employers must also provide effective training and keep records of all this for a minimum of one year and must keep the "Violent Incident Log" for five years.

Advanced Clean Fleet Regulation Facing Tougher Changes

Last month, the California Air Resources Board held their first of two Board Meetings to discuss the Advanced Clean Fleets rule. Dubbed the "Truck Rule 2.0", the rule aims to force conversion of medium- and heavy-duty diesel trucks to electric starting as early as 2024. Staff presented the original intent of the regulation, which focuses on businesses that own, operate or dispatch over 50 vehi-

cles or businesses with over \$50 million in receipts in a given year. These businesses will have to report their fleet to a new CARB database in December of 2023, and then the process of electrifying the fleet begins. Trucks will be converted based on their end of useful life (18 years), or on an equipment category timeline. Drayage trucks are specifically highlighted as one of the equipment categories requiring immediate turnover. California ports will also require that all drayage trucks be electric to enter the port by 2035.

The Board heard overwhelming support from the environmental justice (EJ) community, who alternatively proposed to expedite the compliance date requiring all Class 2b – 8 vehicle sales to be electric equipment from 2040 up to 2036. Another concerning change presented by the EJ groups was the lowering of the threshold from 50 trucks owned/operated/dispatched down to 10 trucks. Out of 140 commenters on the proposed regulation, the Association was one of three agricultural representatives to push back on the proposal. The Association highlighted the current delays by utility companies in interconnecting/repairing equipment on farm and at our processing facilities, as well as the current difficulties in moving freight and exports to the ports. Once comments were opened up to the Board, there was mixed reaction to the proposals made by public comments. Several Board Members expressed support on the expedited timeline for electric truck sales from 2040 to 2036, while several showed support for decreasing the fleet threshold from 50 to 10.

The Board recommended staff go back and conduct and economic impact for the proposed changes, and open a 15-day comment period for the proposed changes. If you are interested in commenting, or providing public testimony at the next Board Meeting that decides this regulation, please feel free to reach out to Chris McGlothlin with the Association at chris@ccgga.org.

Employer Mandatory COVID-19 Reporting

Governor Gavin Newsom, signed Assembly Bill (AB) 2693 which amends and extends COVID-19 workplace notice requirements until January 1, 2024. Currently, the California Occupational Safety and Health Act of 1973, authorizes the Division of Occupational Safety and Health to provide notice of prohibition of performance of an operation or process, or entry into a place of employment when a place of employment exposes workers to

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possible infection with COVID-19. Additionally, the employer is required to take specific actions within one business day of the notice of the potential exposure. This notice can be relayed to all employees on the premises of the same worksite and the employer is required to notify the local public health agency within 48 hours, if the employer is notified that the number of cases meets the definition of a COVID-19 outbreak.

However, the new signed Assembly Bill brought on some new changes. Going forward, AB 2693 will extend employer requirement to notify employees of worksite confirmed cases within one business day until January 1, 2024, employers will have two options to satisfy their COVID-19 reporting requirement, and employers will no longer have to notify public health agencies.

Furthermore, option one states that an employer may provide employees notice of exposure by prominently displaying a notice of confirmed cases of exposure in all places where notices to employees concerning workplace rules and regulations are customarily posted which includes: dates, location, contact information regarding COVID-19 benefits, and contact information regarding information on cleaning and disinfecting plans. Subsequently, the posted notice must remain in place for no less than

15 calendar days. Alternatively, option two states that employers may provide a written notice to all employees and subcontracted employees of their potential exposure to COVID-19 in a manner the employer normally uses to communicate employee-related information. However, this method may only be applied if the employer can reasonably anticipate the notice will be received by the employee within one business day. Separately, employers are required to provide written notice to the exclusive representative, if any, of confirmed cases of COVID-19 within one business day and in addition, employers are required to keep a log of all the dates the COVID-19 notice was required.

**SIGN UP FOR OUR
ELECTRONIC NEWSLETTER.
IF YOU HAVE ANY QUESTIONS PLEASE
CONTACT THE OFFICE
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Send your name and email address to info@ccgga.org and we'll subscribe you to receive California Cotton Ginner and Growers Association important and informative monthly Newsletter electronically.