



The Cotton Chronicle

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Industry Calendar

NCC Annual Meeting
Orlando, FL
Feb. 16-18, 2024

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Association Supports Allocation of \$60 Million in FARMER Funding

Association President/CEO Roger Isom and **Director of Technical Services Chris McGlothlin** attended a San Joaquin Valley Air Pollution Control District (Air District) Governing Board meeting. The Board heard a specific item on another allocation of \$60 million to the Funding Agriculture Replacement Measures for Emission Reductions program (FARMER). The FARMER program, partnered with the federal NRCS tractor replacement program, has been vital for the agricultural industry in replacing over 12,000 tractors, equivalent the reduction of over 11 tons of daily emissions, on a voluntary basis over the past seven years. This funding has also been utilized to replace ATVs and UTVs with electric equivalent equipment. During public comment, Isom got up and spoke on the value of the program to staving off a mandatory tractor replacement rule. He also pointed out that while the primary focus of the replacement rule has been the reduction of Nitrous Oxide emissions, there have been increased reductions in Greenhouse Gas emissions in the Central Valley attributed to these replacement programs. Additionally, Isom highlighted that farmers have spent nearly \$470 million dollars to replace their equipment through the FARMER program over the past seven years. McGlothlin's comments focused on thanking the Air District's Grants and Incentives staff in assisting in application questions and providing much needed help throughout the application and funding allocation process. The Air District acknowledged that they currently have over \$300 million in projects currently under contract, or in the application phase, but are strongly encouraging potential applicants to get your paperwork filled out!



Association Part of 160+ Member Coalition Calling on the Governor to Meet

The Association was part of a broad coalition of trucking companies, port companies, farms, cotton gins, food processors, employee unions, San Joaquin Valley Mayors, ag organizations, business groups, and packing houses calling on the Governor to meet to discuss the constraints and real-world impacts of the state's policies to reduce pollutants and greenhouse gases. Despite huge gains in recent years in cleaning up the air quality in California, the state has laid out an overly ambitious plan to electrify everything from houses and cars to businesses and trucks, without the infrastructure to do so, or understanding the impact of the highest electricity rates in the country. The 166 participants who signed on to the letter represent every link in the nation's agricultural supply chain from the field to the container ship, including employee unions heavily affected by the levels of containers moving into and out of the ports on the West Coast. What will the Governor do? We shall see...

Association Testifies at CDPR Hearing on Statewide Notification

More than 50 people attended the public hearing recently in Clovis on the California Department of Pesticide Regulation's (CDPR) proposed regulation to **Provide Public Access to Pesticide Information Prior to Applications**. The **Association's President/CEO Roger A. Isom** was in attendance and spoke in opposition to the proposed regulation. At the beginning of his comments Isom stated "DPR is doing a disservice to the people in attendance here tonight and to all parties involved. DPR must explain the lengthy and robust process that every single pesticide goes through to become registered. The restrictions on the labels come after years of testing and thorough review by the scientists at DPR and EPA. I do not believe DPR would allow the use of any pesticide that would cause harm to any farmworker, resident, or innocent bystander. So why is

this regulation needed if the necessary precautions to ensure a safe environment are already in place? DPR needs to explain that! Many commenters blamed pesticides for cancer, asthma, valley fever and one even blamed pesticides for fading the color of her clothes within days of exposure to pesticides. Another blamed pesticides for causing all the fallowed lands in western Fresno County stating “they must be contaminated from pesticides.” Isom further commented “our opposition is not to the notification itself, but to the ramifications of the notification like we have seen in Monterey County where applications have been put on hold for weeks due to public appeals only to be approved in the end.” Joining the Association in commenting was the Nisei Farmers League and several growers, PCAs and an aerial applicator. Comments are being accepted until January 12th.

Association Announces Election Results

The **California Cotton Ginners and Growers Association** is pleased to announce the re-election of the following Board members. Re-elected were the following Ginners: **Tom Gaffney, J.G. Boswell Company; and Tom Pires, West Island Cotton Growers.** The following Growers were re-elected: **Kings County: Jim Razor, Geoff Toledo, and Phil Hansen; and newly elected for Southern California: Aaron Palmer.** Not seeking re-election was **Tim Cox** from Southern California. Cox had served on the Board since 2010, and the Association is truly grateful for his service and participation over the past 13 years. All Board member positions are three-year terms.

Time to Enroll in ARC/PLC

The U.S. Department of Agriculture (USDA) has announced that agricultural producers can now enroll in the Farm Service Agency’s (FSA) **Agriculture Risk Coverage (ARC) and Price Loss Coverage (PLC)** programs for the 2024 crop year. Producers can enroll and make election changes for the 2024 crop year starting Dec. 18, 2023. The deadline to complete enrollment and any election change is March 15, 2024. On Nov. 16, 2023, President Biden signed legislation that extended the 2018 Farm Bill, through September 30, 2024. This extension allows authorized programs, including ARC and PLC, to continue operating. Producers can elect coverage and enroll in ARC-County (ARC-CO) or PLC, which provide crop-by-crop protection, or ARC-Individual (ARC-IC), which protects the entire farm. Although election changes for 2024 are optional, producers must enroll through a signed contract each year. Also, if a producer has a multi-year contract on the farm it will continue for 2024 unless an election change is made. If producers do not submit their election revision by the March 15, 2024, deadline, their election remains the same as their 2023 election for commodities on the farm. This fall, FSA issued payments totaling more than \$267 million to agricultural producers who enrolled in the 2022 ARC-CO option and the ARC-IC option for covered commodities that triggered a payment. Payments through the PLC option did not trigger for the 2022 crop year. ARC and PLC payments for a given crop year are paid out the following fall to allow actual county yields and the Market Year Average prices to be finalized. These payments help mitigate fluctuations in

either revenue or prices for certain crops. Payments for crops that may trigger for the 2023 crop year will be issued in the fall of 2024. For more information on ARC and PLC, producers can visit the **ARC and PLC webpage** or contact their local **USDA Service Center**. Producers can also make elections and complete enrollment **online with level 2 eAuth**.

Association Mourns the Passing of Cotton Icon Tom Smith

Tom Smith, the longtime President of Calcot, Ltd., passed away surrounded by family on December 1, 2023 at the age of 88. Thomas Winston Smith was born to Lance and Willie Mae (Little) Smith in Crosby County, on the Texas high plains. He was the third of four brothers who were raised on Texas cotton farms. When Tom was eight years old, the family returned to their ancestral region to farm outside of Lawn, south of Abilene. Tom excelled in academics and sports in his high school class of nine students. He attended Texas A&M and graduated in 1957 with a degree in agricultural economics. With strong recommendations from professors, Tom interviewed and obtained a job at Calcot upon graduation. After moving to Bakersfield as a 22 year-old who had never been outside Texas, he advanced through the corporation, working in every aspect of the business. As a young executive, he completed studies in management development at the Harvard Business School. Tom also served in the U.S. Army Reserves, attaining the rank of Captain. In 1958, Tom married Patricia Zachary, the daughter of an Old River cotton farmer. Their marriage began a life of love and enjoyment along with a commitment to each other, family, their long-lasting friendships, the community and the cotton industry. Tom was always proud and supportive of Pat's service on the Bakersfield City Council. In 1977, Tom became President of Calcot, the largest cotton marketing organization in the Western U.S., at the age of 42. Over his career, he worked for the grower-owned cooperative for forty-five years and was President and CEO for twenty-five years before retiring in 2002. During that time Tom was a leader in the cotton industry, serving as president and chairman of the National Cotton Council, Cotton Council International, and a board member of the New York Cotton Exchange. He was appointed by two secretaries of agriculture to serve on the Agricultural Technical Advisory Committee and was inducted into the Cotton Hall of Fame. In an era when cotton was the single largest crop in the San Joaquin Valley and Arizona, he headed a sales team that marketed many millions of bales, exporting the majority to textile mills around the world. He also represented the interests of western cotton growers in Washington, D.C., New York and throughout the industry. Many organizations sought his counsel and he served for nearly forty years as a Board member and chairman of the Bakersfield Memorial Hospital Board of Directors, Chairman of the Greater Bakersfield Chamber of Commerce and was a graduate fellow of the California Agricultural Leadership Program. He was honored by Texas A&M with the Outstanding Alumni Award from the College of Agriculture and Life Sciences. Tom was also a longtime member of the Downtown Bakersfield Rotary Club and numerous other community organizations. Tom was kind, thoughtful and exceptionally patient. He was a true gentleman whose

word was his bond. He approached life with a quiet determination and perseverance, an overriding sense of duty and boundless energy. Tom was blessed with an analytical mind and a practical problem-solving approach. Notwithstanding his professional accomplishments, he was proudest of his family and treasured time with his children and grandchildren. Tom and Pat were married 63 years before Pat's passing in 2022. Tom is survived by his children Janna Gosselin (Craig) and T. Mark Smith (Juliet Crites) and five grandchildren: Kyle and Ryan Gosselin and Thomas, Benjamin and Grace Smith. He is also survived by his younger brother Roland Smith (Melody) of College Station, Texas, sister-in-law Jo Reta Smith of Lawn, Texas and numerous nephews and nieces. In addition to his wife Patricia, he was predeceased by his parents and brothers Travis and Delmon Smith.

Association Submit Comments on Proposed ZEV Forklift Regulation

The Association joined several agricultural associations and others in submitting a joint comment letter to California Air Resources Board (CARB) on the latest draft of the proposed Zero-Emission Forklift Regulation. The Association led the effort to coordinate a collective response against the proposed regulation, that can have an overwhelming impact on agriculture. "As stakeholders representing the agricultural industry, we believe it is imperative to contribute our insights on this Proposed Regulation. Our collaborative efforts aim to provide constructive feedback and recommendations that align the Proposed Regulation with the unique and diverse needs of the agricultural industry that balances the objectives of the California Air Resources Board (CARB) and the broader effects it has upon the agricultural industries we represent." The Proposed Regulation would eliminate the use of Class 4 and Class 5 internal combustion forklifts and convert fleets over the zero emission vehicle forklifts beginning in 2026. Certain types of forklifts, such as rough-terrain forklifts and diesel forklifts, would not be addressed by the Proposed Regulation. The letter highlighted the unique challenges agriculture will face. "As it stands, the proposed phase-out schedule poses a significant challenge for agricultural operations, requiring them to retire a substantial portion of their fleet disproportionately." The useful life of a forklift is much longer for agricultural businesses versus year-round operations, therefore model years for our operations tend to be much older. Based on our survey of the tree nut and cotton industries "A staggering 55 percent of their forklifts will be retired in the initial phase-out year and 96 percent by the second compliance date. About 35 percent of these agricultural operations anticipate the need to phase out their entire fleet of forklifts within the first compliance date". We strongly recommend a flexible phase-out schedule with a cap to be phased out, in any given compliance year. This approach recognizes the differences in agricultural businesses versus year-round operations, by preventing a devastating capital expenditure that could potentially jeopardize their economic viability. "Compounding this issue is the underdeveloped infrastructure in rural areas, where the majority of our members are situated. The electrical infrastructure in these

regions is not yet equipped to meet the demands of charging these fleets, and unfortunately, our rural operations are at the bottom of the priority list for utility providers when it comes to upgrades or additional services". Agriculture cannot be held liable when utility providers have no urgency to meet our demands, additional compliance time needs to be given to agricultural operations. The comment letter raised various concerns regarding the proposed regulation, particularly focusing on its ramifications for the agricultural sector. The CARB Board will conduct a public hearing on June 27, 2024 to consider the proposed Zero-Emission Forklift Regulation. We will monitor closely and keep you updated on the issue.

2024 Eased Reporting Requirements for COVID-19

As we start the new year, we want to inform you about what we are hearing from some of California's major workers' compensation carriers.

Beginning January 1, 2024:

Employers are no longer required to report COVID-19 positive tests to their claims administrator to determine if a COVID-19 outbreak occurred at a place of employment.

Employers are still required to:

Report claims of a COVID-19 injury just like any other claim of an industrial injury. Adhere to their COVID-19 reporting obligations to other agencies (i.e., Cal/OSHA).

COVID-19 will no longer be a presumptive injury. A worker may still claim a COVID-19 injury, but it will no longer be presumed as a work-related illness and will be considered a regular claim. Previously, if a certain number of employees at a specific place of employment tested positive for COVID-19 within a specified period, and an employee's positive test occurred within this specified period, then a workers' compensation claim filed by the employee was presumed to be work-related, and the employee would have been eligible for benefits. The shortened liability decision timeframes for a claimed COVID-19 injury of 30/45 days will revert back to the 90-day liability decision timeframe.

Extension Granted for Clean Truck Check Reporting

The California Air Resources Board (CARB) provided a notice to stakeholders that the deadline to register and report heavy-duty diesel fleets under the Clean Truck Check Program (CTC) has now been extended. CARB is now allowing for truck owners to register and report their vehicles by January 31, 2024. The CTC Program is now taking the place of CARB's existing Heavy-Duty Truck Inspection & Maintenance Program, which required fleet owners to have their equipment inspected annually to ensure proper emission control system function. Similar to the existing Truck and Bus Reporting system, the new CTC reporting website requires that you identify your business as well as reporting in heavy-duty diesel equipment. The agricultural industry is regulated differently under this rule, primarily in that trucks under ownership of an ag operation are required to be inspected only once per year. This reporting requirement also includes a \$30 per truck fee when reporting. While reporting your business in the new portal, please indicate via checkbox on the

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business information page that your business is considered an "Agricultural Business/Fleet". To begin registering your equipment, please visit the CTC website at: <https://cleantruckcheck.arb.ca.gov/>.

Indoor Heat Illness- Third Fifteen Day Notice

Cal-OSHA has once again proposed modifications to Title 8: New Section 3396 of the General Industry Safety Orders, Heat Illness Prevention in Indoor Places of Employment. Here are some insights to the proposed regulation:

Definitions

Adds on *high radiant heat source*, and defines it as "any object, surface, or other source of radiant heat that, if not shielded, would raise the globe temperature of cool-down area five degrees Fahrenheit or greater than the dry bulb temperature of the cool down area."

Control Measures

Measuring temperature and heat index should be done where the employers reasonably suspect the threshold has been met and shall be taken and once more when it is reasonably expected for the previous measurements to be 10 degrees or more. Also adding on utilizing NWS heat index equation or tables as an instrument to measure the temperature.

Access to Cool-Down Areas

Employers must provide and maintain at least one cool-down area during shifts, should be close as practicable, and for indoor cool-down areas should be less than 82 degrees Fahrenheit.

Acclimation Steps

Employees should be closely observed during a heat wave and new employees should be closely observed for the first 14 days of their employment.

Emergency Response Procedures

These will be included in the written prevention program, which includes the added on proposed regulation of contacting emergency medical services when an employee exhibits signs and symptoms of heat illness.

Written comments are being accepted until 5:00 p.m. on January 12, 2024.

Thank you for your continued interest in the Cotton Chronicles, the monthly newsletter for the California Cotton Ginners and Growers Association. To help reduce costs, we are asking everyone to consider receiving the electronic version of the Cotton Chronicles instead of paper. If you are willing to switch to the electronic version of the newsletter, please send an email to Michelle at michelle@cggga.org requesting the change. Thank you for your consideration.