



# The Cotton Chronicle

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[www.ccgga.org](http://www.ccgga.org)

July 2024

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## Industry Calendar

Workplace Violence  
Prevention Webinar  
9 a.m.  
July 15, 2024

2024 Pima Grade  
Standards Guide  
Box Review  
9 a.m.  
Visalia, CA  
July 17, 2024

Fumigation Summit  
Modesto, CA  
July 31, 2024

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## 2024 American Pima Grade Standards Guide Box Review And Standards Matching

Wednesday, July 17, 2024  
Visalia, CA Classing Office  
9:00am

Please join us to review, comment, and approve the six guide boxes of the 2024 American Pima Grade Standards. Once approved, the guide boxes will be used as the reference to match all the 2024 American Pima Grade Standards. The guide box review and the standards matching will both take place the morning of July 17<sup>th</sup>.

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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## CDPR to Hold More Hearings on Advance Notification

The California Department of Pesticide Regulation (CDPR) will be holding 2 in-person and one virtual hearing on their proposed Advance Pesticide Application Notification Regulation. This regulation would require a Notice of Intent (NOI) to be filed electronically 48 hours in advance for soil fumigations and 24 hours in advance for non-soil fumigation application of any restricted material. In addition, any individual who submits a specified address will be immediately notified when that NOI is filed. As you

can imagine, this effort is the opportunity for the environmental justice and activist community to attempt to stop pesticide applications, especially fumigations. This has already occurred in Monterey County where at least three pesticide applications have been put on hold while the county attempts to deal with the appeal of the pesticide application. At least one of these took more than 30 days to resolve. You can expect this to occur statewide if this regulation goes into effect. We encourage everyone to attend one of the hearings and express your opposition. DPR is anticipating holding the hearings on the fol-

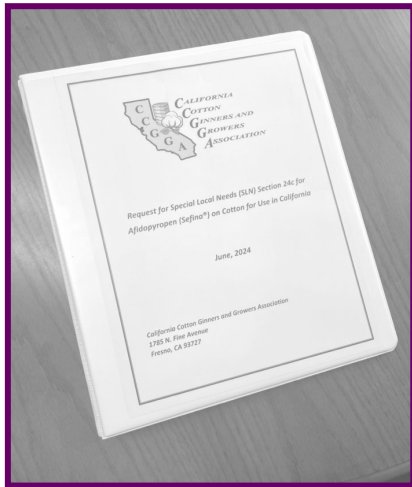
lowing dates and locations:

- Friday, July 12, Stanislaus County (Tentatively scheduled in Turlock)
- Monday, July 15, held virtually on Zoom
- Tuesday, July 23, in Kern County (Tentatively scheduled in Wasco)

Hearings would take place between 6-8:30 p.m. Spanish interpretation would be provided. More information to follow.

### **Association Submits 24c for Sefina Inscalis**

The California Cotton Ginners and Growers Association (CCGGA) submitted a 24c Special Local Needs Application for a 3<sup>rd</sup> application of Sefina Inscalis (afidopyropen) to combat the intense lygus pressure on cotton in the San Joaquin Valley. The application included letters of support from Ag Commissioners from Fresno, Kern, Kings, and Merced, as well as letters of support from BASF and UC Cooperative Extension. This is very similar to the Section 18 application submitted and granted last year to CCGGA. While it is not a silver bullet, the industry is hoping it provides some efficacy to bring lygus under control. We are hoping for a quick turnaround by CDPR since nothing is changed from last year's Section 18 application and that was issued quickly. Meanwhile the Association will keep up its efforts to get Transform (sulfoxaflor) issued.



### **Association Testifies at PM2.5 Plan Hearing**

**Association President/CEO Roger A. Isom and Director of Technical Services Christopher McGlothlin** both testified at the San Joaquin Valley Air Pollution Control District Governing Board Meeting where the latest State Implementation Plan (SIP) for Attaining the Federal PM2.5 Ambient Air Quality Standard. This plan is a far-reaching plan that will include measures for reducing emissions from low dust almond harvesters, require more conservation management plan measures on farms, especially ones that address windblown dust on fallowed fields, and potential new requirements for irrigation pump engines. Isom commented on the need to base any new measures on actual scientific research and measurements and only focus on those measures that move the needle. Isom also commented on the need for incentives to assist in these efforts and warned the Board of the impending disaster with the lack of electric infrastructure. Director of Technical Services McGlothlin responded to some of the environmental justice activists who criticized the District for not going far enough and wanting to be more restrictive. While many of the activists criticized the plan as being a mere extension, McGlothlin pointed out that many within the agricultural industry were stepping up to meet the constantly changing regulations. Regulations such as updated control



efficiencies for Boilers, Roasters and Process Heaters as well as voluntarily transitioning older tractors out for lower emitting equipment on a quicker timeline. McGlothlin also highlighted the fact that the Air District already has the toughest regulations in the country and has been able to achieve tightening air quality standards with the assistance of industry stepping up to do its part.

### **Agreement Reached to Reform Private Attorneys General Act (PAGA)**

After many months of discussions, an apparent agreement has been reached on reforming the Private Attorney General Act (PAGA). The agreement comes after months of discussions between the Newsom Administration, legislative leaders, labor advocates and a coalition of businesses. The agreement will be introduced in legislation. If passed by the Legislature, it would reform PAGA to ensure workers retain a strong tool to bring forth labor claims and receive fair compensation, while limiting the shakedown lawsuits that hurt employers and employees. The deadline for initiatives to be withdrawn from the November 2024 ballot is June 27, 2024. The following are the core elements of the reform package:

- **Employee Share of Penalty**
  - Increases share employees receive from any penalty from 25% to 35%.
- **Standing**
  - Requires the employee (plaintiff) to personally experience the alleged violations brought in a claim.
  - Alleged violations must have occurred within the last year (presently, there is no time limitation).
- **Penalty**
  - Caps Penalties: For employers who proactively take steps to comply with the Labor Code before receiving a notice, the maximum penalty that can be awarded is 15 percent of the applicable penalty amount.
  - Caps Penalties: For employers who take steps to fix policies and practices after receiving a PAGA notice, the maximum penalty that can be awarded is 30 percent of the applicable penalty amount.
  - Reduces the maximum penalty where the alleged violation was brief or where it is a wage statement violation that did not cause confusion or economic harm to the employee (i.e. misspelling of company name or forgetting to add "Inc." on the pay statement).
  - Levels the playing field for employers who pay weekly by ensuring a penalty is adjusted. Presently, such employers are penalized at twice the amount because the penalty accrues on a per pay period basis.
  - Addresses derivative claims.
  - Creates a new penalty (\$200 per pay period) if an employer acted maliciously, fraudulently, or oppressively.
- **Employer Right to Cure**
  - Expands which Labor Code sections can be cured, so employees are made whole quickly.
  - Protects small employers by providing a more robust right to cure process through the state labor department (Labor and Workforce Development Agency) to reduce litigation and costs.
  - Provides an opportunity for early resolution in court for larger employers.
- **Strengthening Enforcement Agency**

- The Administration will pursue a trailer bill to give the California Department of Industrial Relations (DIR) the ability to expedite hiring and filling vacancies to improve and expedite enforcement of employee labor claims.
- **Judicial Discretion (Manageability)**
  - Codifies that a court may limit both the scope of claims and evidence presented at trial.
- **Injunctive Relief**
  - Allows for injunctive relief.

### **SJV Air District Approves \$9 Million in Incentives for Equipment**

The San Joaquin Valley Air Pollution Control District (Air District) approved the acceptance of a total of \$9 million in grant funding to replace existing diesel equipment with newer diesel technology, and zero emission equipment. The District was awarded two grants through EPA’s Diesel Emissions Reduction Act (DERA) fund, \$4.5 million to replace Tier 0, 1 and 2 tractors with lower emitting Tier 3’s and 4’s, as well as \$4.5 million to replace older heavy-duty diesel trucks with zero-emission electric or hydrogen powered equipment. This money will be matched with Air District funding to bring the total monies available for incentives up to \$18 million dollars to be split amongst each equipment category. The **Association’s Director of Technical Services, Chris McGlothlin**, spoke in support of the grant money, explaining that both programs being oversubscribed demonstrate a true interest by the industry for these types of programs. He also said he wished there were a couple of extra 0’s behind that original allocation, but was willing to take what industry could get for the program. Additionally, while the truck funding is desperately needed, it is frustrating that the requirements of the program dictate that diesel trucks need to be crushed in exchange for expensive and unproven electric equipment. Either way, if you are interested in funding for either category, you can find applications for the programs on the Air District website or by contacting the Association.

### **CARB Passes Electric Forklift Rule But Not Without Flexibility For Ag**



The California Air Resources Board (CARB) adopted the Zero Emission Forklift Regulation to phase out the sale and use of propane forklifts in the state by 2038.

The regulation goes into effect on January

1, 2026. Equipment dealers will be prohibited from producing or selling Class 4 or Class 5 propane with lift capacity less than 12,000 lbs. starting in 2026, with a few exceptions.

Agricultural operations received additional time to comply and will begin phasing out Class 4 and Class 5 propane forklifts in 2029 and 2030 respectively. A few of the exemptions from the rule included rough terrain forklift and in-field forklifts. Additional considerations were included given the states statewide infrastructure challenges, allowing for compliance extension for infrastructure delays or construction delays.

The Association was represented by our **President & CEO, Roger**

**Isom and Assistant Vice President, Priscilla Rodriguez**, who both opposed the regulation. Rodriguez spoke to the financial burdens our membership would be faced. “Ag Operations cannot pass along the cost;

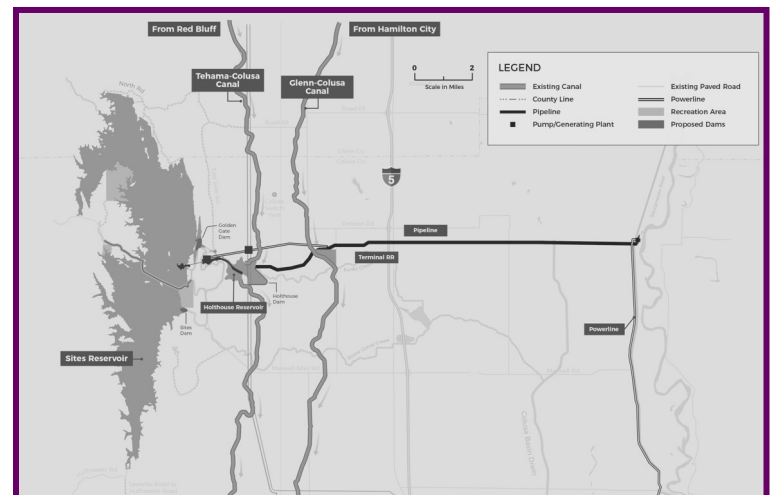
these costs affect our bottom line. We operate in a global market. We can’t simply increase the price-per-pound of our almonds, pistachios or walnuts. This rule will be costly” stated Isom, “The additional time will give us time to work for incentives. Ag has a proven track record of seeing things through”.

This was a coalition effort lead by the California Cotton Ginners and Growers Association (CCGGA). Joining CCGGA and Western Agricultural Processors Association in testimony was the California Fresh Fruit Association, Nisei Farmers League, Ag Council of California, California Farm Bureau Federation, and California League of Food Producers.

In addition, there was a resolution that had been negotiated to look back at the rule to see if any changes may be necessary, in future years.

### **Yolo County Superior Court Rules in Favor of Sites Project Authority**

The Superior Court of Yolo County released an order denying all claims in the Friends of the River v. Sites Project Authority case. In late 2023, six environmental organizations, Friends of the River, Center for Biological Diversity, California Sportfishing Protection Alliance, California Water Impact Network, Save California Salmon, and Sierra Club, petitioned the Court to review certain aspects of the Authority’s California Environmental Quality Act (CEQA) process and the Authority’s certification of the Final Environmental Impact Report (Final EIR) for the Sites Reservoir Project. The Yolo County Superior Court found in the Authority’s favor in every claim asserted by the environmental organizations. The Sites Final EIR fully complies with CEQA. “We are grateful the court’s decision will allow us to advance Sites Reservoir and ultimately supply more water for people, farms, and the environment. The need for this water is



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significant, and we have no time to waste," said **Fritz Durst, Chair of the Sites Project Authority**. Sites Reservoir is purposely designed to work in concert with California's changing climate conditions by capturing and storing water during extreme storm events for use during severe dry periods when it is needed the most. Sites will be a unique reservoir in California, one that captures and stores water for multiple benefits including as a dedicated asset specifically for the environment to support fish and their habitat during drought periods. Sites is an off-stream facility that does not dam a major river system and does not threaten fish migration or spawning. Sites Reservoir diversions would be conducted under highly protective operating and permit conditions that establish when water can be diverted after all other water rights and regulatory requirements are met. It is hoped that construction will begin in 2026.

### Workplace Violence Standard Prevention Webinar

Last year SB 553 authored by **Senator Cortese** was signed into law by **Governor Newsom**. As such, starting July 1st, 2024 the majority of employers in California must establish, implement, and maintain a Workplace Violence Prevention Program Plan.

The Association in partnership with Fisher & Phillips LLP, will be hosting a Workplace Violence Standard Webinar. The webinar will be held on Monday, July 15<sup>th</sup> at 9:00 am. Please email [michelle@ccgga.org](mailto:michelle@ccgga.org) to register for the webinar.

### CCIRC Research Request for Proposal

The California Cotton Industry Research Committee, made up from the three principal funding groups for California cotton research, sends out a "Request for Proposal" each year to re-searchers and

educators known to the cotton industry as having interests and involvement in research that could benefit the cotton industry in California. By combining the research funding efforts from these three groups into one, projects are funded through a more streamlined process and effective process. This research request is for 2024-2025 projects. The dead-line for receipt of proposals at the address shown below is 5:00 PM (close of business day) on Monday, August 26, 2024. This is a firm deadline. No extensions will be granted due to the need to reproduce proposals, distribute them to the committee, and allow time for review prior to the Committee meeting. If you have any questions, reach out to [priscilla@ccgga.org](mailto:priscilla@ccgga.org).

**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@ccgga.org](mailto:michelle@ccgga.org) requesting the change. Thank you for your consideration.**