



The Cotton Chronicle

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Industry Calendar

Joint Steering Committee Meeting
Nov. 13th, 2024

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Association Hosts Senate Candidate Suzette Valladares on Ag tour



The California Cotton Ginners and Growers Association hosted Senate District 23 Candidate **Suzette Valladares** as part of a two-day agricultural tour in partnership with several ag organizations including the **Western Agricultural Processors Association, California Fresh Fruit Association, California Citrus Mutual, and California Dairies, Inc.** For our part of the tour, Valladares met with the Cauzza brothers, **Jake, Matt, and Luc** at their **Cauzza Growers** farming headquarters in Buttonwillow for an issues roundtable discussion. She learned first-hand how their family farming operation began and how it works today, while learning about many of the challenges our industry faces on lack of pesticide tools, the impact of the Sustainable Groundwater Management Act (SGMA), energy, air quality, and

just the everyday trials and tribulations of farming in California today. The tour is the first of many this year and part of the Association's efforts to educate the legislature on the critical issues facing our industry.

SWB Approves Rate Hikes, Yet Again

Stop me if you've heard this before, but the State Water Board (SWB) approved rate increases across all stakeholder permit programs earlier this month. Over this past year, SWB accounting staff has proposed an increase across all of their stakeholder programs to address budget shortfalls as well as surplus a required percentage reserve. This year, the increase was proposed at 5.5% for the Irrigated Lands Regulatory Program. The Association has voiced

opposition over 3 workshops this year as to the drastic increases, but to no avail. While on paper, the approved increases are categorized as a modest 5% to the overall program, these fees have resulted in an increase that exceeds 160% over the past 8 years. Repeated requests to the legislature to audit the SWB have gone largely unanswered. The Association will continue to push for more oversight on these unhindered fee increases.

Sites Reservoir Clears Yet Another Hurdle

On September 20, 2024, the Third District Court of Appeal released an opinion upholding the decision by the Superior Court of Yolo County in the *Friends of the River v. Sites Project Authority* case. The Yolo County Superior Court and now the Court of Appeal have found in the Sites Project Authority's favor in every claim asserted by the environmental organizations challenging the sufficiency of the Final Environmental Impact Report (EIR), concluding that the Authority fully complied with the California Environmental Quality Act (CEQA) in its review of the Sites



Project. As background, in 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 for review of certain aspects of the Authority's CEQA process and the Authority's certification of the EIR for the Sites Reservoir Project. The Yolo County Superior Court ruled in favor of the Authority on all of the issues, and the groups appealed the Court's decision earlier this year. The Third District Court of Appeal has affirmed the lower court's decision in favor of the Authority. "We've taken every step necessary to meet or exceed the standards laid out in the state's comprehensive environmental law, and the Court of Appeal has confirmed that," said **Fritz Durst, Chair of the Sites Project Authority**. "This is good news for Californians because we are now one critical step closer to breaking ground on this essential water supply project." Sites Reservoir is the state's first project to be certified under SB 149 as critical water infrastructure, which requires legal challenges to be made and considered by the courts without unnecessary delays.

Association Announces \$2 Million for FARMER Program in FY 24/25 State Budget

The California Cotton Ginners and Growers Association (CCGGA) is pleased to announce that \$2 million has been allocated to the Funding Agricultural Replacement Measures for Emission Reductions (FARMER) Program in the final hours of the 2023-24 Legislative session. This funding, administered by the California Air Resources Board (ARB), will continue to support California's agricultural sector in reducing air pollution and greenhouse gas emissions through the replacement of outdated, high-emission equipment with cleaner alternatives. The FARMER Program has been one of the most successful programs to date improving air quality across the state, particularly in regions heavily impacted by poor air quality, and directly contributes to California's ambitious climate goals. "We are thrilled to see the continued investment in the FARMER Program," said Roger Isom, President/CEO of CCGGA. "This funding will enable our members to make meaningful strides in improving air quality, while also ensuring that California's agriculture remains competitive." The \$2 million allocation will be directed towards the replacement of high-emission tractors, trucks, irrigation pumps, and other agricultural equipment. These upgrades are not only essential for meeting state and

federal air quality standards but also for protecting the health of California's agricultural communities and preserving the state's natural resources. In a year of significant budget deficit, this funding would not be impossible without the leadership of Pro Tem Emeritus **Senator Toni Atkins (D-San Diego)**. An ally of the agricultural community, Senator Atkins partnered with members like the chair of the Assembly Agriculture Committee, **Esmeralda Soria (D-Merced)**, to ensure resources were included in the final hours of the Legislature's budget negotiation.

DPR Visits Valley to Hear from Agriculture

The **California Department of Pesticide Regulation (CDPR)** visited Clovis this week to meet with agricultural organizations and representatives to provide an update on CDPR activities



and hear concerns from agriculture. Representing CDPR was **Director Julie Henderson, Deputy Director Karen Morrison, Deputy Director for Enforcement Ken Everett, and Deputy Director for Environmental Justice and Equity Celia Pazos**. CDPR opened the meeting by providing a quick look at what they are currently working on including:

- Wrapping up their 5-year Strategic Plan to be released soon
- Working to streamline their pesticide registration process to shorten the time to register new pesticides
- Increasing staff
- Strengthening enforcement
- Finalizing their Advance Notification regulation in November for a tentative release in January.
- Working on the next set of 1,3-D restrictions to address concerns with innocent bystanders, which should be filed in November
- Working on next set of rodenticide restrictions with no timeline proposed

Association **President/CEO Roger Isom** was among the agricultural representatives in attendance and expressed concerns over invasive species, lack of alternatives if chemicals are phased out under the CDPR Sustainable Pest Management Program (SPM), concern that the legislature is regulating pesticides without science, and the need to coordinate with the California Department of Food and Agriculture on all these items. Isom also expressed concerns with CDPR not addressing the rhetoric that is spewed at some of CDPR's hearings and their lack of explanation of their intensive and robust registration process and their own regulations, which make them the toughest pesticide agency in the country. Isom did express

appreciation for the CDPR leadership coming to Clovis and sitting down with agriculture moving forward. Other groups in attendance included the **American Pistachio Growers, California Table Grape Commission, California Citrus Mutual, Nisei Farmers League**, and the **Fresno County Farm Bureau**. In addition, the Monterey County Ag Commissioner **Juan Hidalgo** was present along with a representative from the Fresno County Ag Commissioner's office.

EPA Finalizes Plan to Protect Vulnerable Species

The U.S. Environmental Protection Agency (EPA) has announced its Vulnerable Species Action Plan (VSAP), finalizing its transition from its June 2023 Vulnerable Species Pilot (VSP) in order to help conserve federally threatened and endangered (listed) species from pesticides. As part of implementing EPA's Endangered Species Act Workplan, the VSAP is intended to provide a framework for EPA to adopt early, meaningful protections to address potential impacts for listed species that EPA identifies as particularly "vulnerable" to pesticides. The plan describes the framework that EPA will use for vulnerable species when considering Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) actions for conventional pesticides (such as new chemical registrations and registration review). EPA plans to incorporate mitigations from the VSAP into applicable pesticide actions, even if EPA has not yet determined effects under the Endangered Species Act (ESA) or consulted with the U.S. Fish and Wildlife Service (FWS). EPA will address species listed by the National Marine Fisheries Service (NMFS) through a separate process. The VSAP describes how the approach EPA plans to use to evaluate potential impacts to these listed species and any associated mitigations, and how EPA plans to expand the approach to additional listed species in the future. In the VSAP, EPA has identified 27 species listed by FWS in the lower 48 states as "vulnerable species" and within the scope of the VSAP. Included as one of the listed species is the Buena Vista Lake Ornate Shrew. The VSAP applies a three-step framework which builds off the herbicide and insecticide strategies and is intended to provide similar mitigations for the vulnerable species for pesticides with similar characteristics (e.g., exposure, toxicity, application method). The VSAP identifies the potential for impacts (Step 1), the type and level of mitigation (Step 2), and where mitigation applies (Step 3). Any needed mitigations will only apply in geographically specific areas (referred to as Pesticide Use Limitation Areas or PULAs). EPA is refining the species maps that it will use for PULAs and will not implement the VSAP in registration review until those maps are refined, which will likely be later in 2024. The VSAP includes mitigations for common exposure routes, including spray drift and runoff, but also addresses other routes of pesticide exposure to the vulnerable species. Examples include on-field exposure to a vulnerable species and pesticide volatilization (the movement of pesticide vapors through the air). This action plan, along with the Ecological Mitigation Support docu-

ment, are available in the public docket EPA-HQ-OPP-2023-0327 at [regulations.gov](https://www.regulations.gov), and on EPA's website.

Association Hosts 2nd Important Meeting on Electric Infrastructure

The Association hosted the **California Air Resources Board (CARB), California Energy Commission (CEC), Cal Poly San Luis Obispo, San Joaquin Valley Air Pollution Control District** and several agricultural organizations in another meeting to develop a survey for agricultural operations, farms, packing houses and processors in an attempt assess the need for electrical infrastructure for the future as CARB starts to implement their mandatory regulations converting mobile equipment to zero emissions. This survey will go out some time later this year to all agricultural operations throughout the state. It is now widely recognized that the electrical infrastructure is woefully inadequate, but to what degree. The utilities that provide electricity in the state have admitted there is a problem, but they have no way of knowing how much electric infrastructure is needed, where it is needed and when it will be needed by. All these critical factors will be determined by when the various CARB mandates, such as the Advanced Clean Fleets (ACF) Rule, Zero Emission Forklift (ZEF) Rule and other mandates kick in. This will be further exacerbated by the huge influx of "data centers" and the expected "electrolysis plants" used to create hydrogen get built over the next 5 to 20 years. **Association President/CEO Roger A. Isom** commented "this data is critical to the future of the agricultural industry as we are held to the mandates regardless of whether the power will be there or not. And we know it is not but need to go through this exercise to show the huge shortfall and the train wreck headed our way." Representing agriculture was the **Western Agricultural Processors Association, California Cotton Ginners and Growers Association, California Fresh Fruit Association, Ag Energy Consumers Association and Fresno County Farm Bureau**.

Office of Administrative Law approves ZEV Forklift Rule

Earlier this year, the **California Air Resources Board (CARB)** voted to approve the new regulation that would eliminate the use of most propane forklift in the state by 2038. The Zero-Emission Forklift Regulation has now been approved by the Office of Administrative Law on September 16, 2024 and goes into effect January 1, 2025.

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. While agricultural operations will begin phasing out Class 4 and Class 5 propane forklifts in 2029 and 2030 respectively, there are a few requirements

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that will need to take place before 2029. Operations will need to communicate with their utility provider and submit an Initial Report to CARB in 2026.

Utility Provider

Operations will need to contact their electric utility provider, no later than March 31, 2026, to initiate discussions regarding potential electrical-service installation or necessary upgrades for facilities where LSI forklifts are operated. This is also a key part of applying for extensions for delays outside of the fleet operator's control, such as delays in the delivery of zero-emission forklifts, delays in the installation of charging/fueling infrastructure, or if there is no commercially available zero emission model that can meet the needs of an operation currently served by an LSI forklift. Information required to provide to utility providers include the estimated number and types of chargers necessary to be installed each year, power requirements of any infrastructure necessary to be installed, new sources of power demand anticipated during the applicable phase-out period and electrical load profiles depicting the location's typical electricity usage on an hourly, daily, and monthly bases.

Initial Reporting

In addition, operations will be required to submit an Initial Annual Report to CARB by September 30, 2026 and every year

thereafter until 2038. The Initial Report will include facility information, the total number of Class 4 and Class 5 onsite, a copy of the information submitted to the electric utility provider, confirmation form utility provider, and if applicable, the date by which the existing panel capacity is expected to be insufficient to charge zero emission forklifts.

The Association will continue engaging with CARB staff to work through the necessary steps for compliance with the regulation.

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 requesting the change. Thank you for your consideration.