



The Cotton Chronicle

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www.ccgga.org

July 2011

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Industry Calendar

July 18-20 —
P.I.E. Tour —
SIV

July 26-29 —
Grower Owned
Gins Meeting —
S. Lake Tahoe

Aug 31 —
Supima Annual
Meeting —
Harris Ranch

Sept 7 —
Growers Board
Meeting—
Fresno

Sept 21 —
Ginners Board
Meeting —
Fresno

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Cotton at the Capitol

The leadership of the California Cotton Ginners and Growers Associations joined forces with the leadership of the Western Agricultural Processors Association in making its annual regulatory and legislative trek to Sacramento this past month. While the Association's staff and our lobbyists spend quite a bit of time in Sacramento, this trip bring industry leaders to the Capitol and to various regulatory agencies to introduce them to the process of the State's Legislature and its members, as well as the myriad of agencies our industry faces on a daily basis. At the same time, it provides an opportunity for the legislators and regulators

to meet and discuss issues with the people that actually farm and run our cotton gins. Each day, the Association's lobbyists, including **George Soares, Louie Brown, and Crystal Jack of the Kahn, Soares and Conway firm**, spend their day at the Capitol representing our interests. Furthermore, the Association's own staff including **President/CEO Earl Williams, Executive Vice President Roger Isom and Vice President Casey Creamer**, are in Sacramento on a weekly or bi-weekly basis fighting both regulatory and legislative issues.

This year we began the day on the regulatory side, visiting with the **Secretary of the Resources Agency, Mr. John Laird**, and his **Deputy Secretary for External Affairs, Mr. Todd Ferrara**. The primary topic was water, water, water, and the fact that the delta still impacts much of the state's water supplies. Next the



Pictured above, L to R, Ron Nimmo, Ginners Chairman; Bob Lange, WAPA Chairman; Cannon Michael, Growers Chairman; Greg Gillard, Ginners 1st Vice Chair, Earl Williams, CCGGA; Don Cameron, Growers Director; Bryan Bone, Growers Director; Mark Turmon, WAPA Secty-Treasurer; Tom Pires, Ginners 2nd Vice Chair; George Soares, KSC; Roger Isom, CCGGA and WAPA.

group moved to the Cal EPA Building to meet with officials from the California Air Resources Board (ARB) including **Deputy Executive Officer Bob Fletcher, Chief of the Mobile Source Control Division, Bob Cross, and Assistant Chief, Erik White**, and the **Manager of the Program Development Section, Dr. Steven S. Cliff**. We discussed the implementation issues associated with the ARB Truck Rule, the development of the ARB Farm Equipment Rule, and several issues surrounding greenhouse gases. From there we traveled downstairs to the Department of

Pesticide Regulation (DPR) including **Chief Deputy Director Chris Reardon** and **Assistant Director of the Pesticide Programs Division, Dr. Marylou Verder-Carlos**. The Association discussed Sulfuryl fluoride (ProFume), pesticide VOCs, DPR's Air Monitoring Program, and the new Surface Water Regulations. From there the group moved over to the California Department of Food and Agriculture Building to meet with the new **Secretary of Agriculture, Karen Ross, and Undersecretary Sandra Schubert**. A whole host of issues were discussed here including water, air quality, the farm bill, invasive pests and the implications of the State's budget crisis. The group ended the day by hosting a private dinner for **30th District Assemblyman David Valadao**.

The second day kicked off with a private breakfast meeting with **Assemblyman Henry Perea of the 31st Assembly District**. The group then headed back to the Capitol for several meetings with various members of the state legislature and their staffs including **18th District Senator Jean Fuller, 12th District Assemblywoman Fiona Ma, 50th District Assemblyman Ricardo Lara, 25th District Assemblywoman Kristen Olsen, 54th Assemblywoman Bonnie Lowenthal, and 5th District Assemblyman Richard Pan**. To accomplish this monumental task, the Associations and staff broke into two groups with representatives from all three organizations to cover all of the offices. The group came back together to host a private luncheon for **Senator Anthony Cannella of the 12th Senate District**. While both days were filled with meetings, much was accomplished.

EPA Releases Human Health Assessment of Chlorpyrifos (Lorsban)

The United States Environmental Protection Agency (EPA) has posted a preliminary human health assessment of chlorpyrifos. This is the first full human health assessment for a pesticide to be completed under EPA's Registration Review program which was first initiated for chlorpyrifos in 2009 and is expected to conclude in 2015. These preliminary assessments are usually unrefined and precautionary in nature and as a result are likely to raise



a number of issues and concerns related to consumer and worker exposures. EPA will publish the notice and the federal docket will open for a 60-day public comment period only on July 6. This comment period is intended to provide information

that EPA can utilize to refine the assessment. Because of the high complexity of the chlorpyrifos assessment, Dow AgroSciences plans to request a 60-day extension to this comment period. They are concerned that thus far, EPA has shown an unusual amount of deference to pesticide opponents who have been pressuring the Agency to speed up its established schedule for chlorpyrifos, thus creating the potential for flawed regulatory policy as a result of hasty decision making. For example, in response to issues raised in a petition and subsequent lawsuit filed by the Pesticide Action Network of North America (PANNA) and the Natural Resources Defense Council (NRDC), EPA has shortened the amount of time the Agency will devote to producing a final chlorpyrifos human health assessment. The Association will be tracking this issue and will be submitting comments supporting its continued use on cotton, including the recent switch to the "low VOC formulation" of chlorpyrifos.

Temik Section 24c Registration Clarified

Earlier this year, the Association applied for, and received, a Special Local Needs (SLN) 24c registration for Temik (Aldicarb) 15G. After receiving a few calls from PCAs and growers about the inability to use Temik, it was revealed that the registration did not apply to all formulations of Temik, in particular the Temik 15G Lock 'n Load formulation. This past month the Association contacted the California Department of Pesticide Regulation to notify them of the discrepancy. In less than 24 hours, DPR issued a revised 24c registration for Temik 15G Lock 'n Load.

Governor Vetoes SB 104 – Card Check

Governor Brown has vetoed SB 104 (Steinberg), which is the card check legislation that would have removed a worker's right to a secret ballot. In issuing the veto, the Governor cited the Agricultural Labor Relations Act (ALRA) which he signed into law during his first term as Governor in the 1970's, during which "he spent hundreds of hours listening and arguing with lawyers and representatives from all the sides." Moving forward, the Governor pledged to have his Labor and Agricultural Secretaries reach out to both sides to work towards a "fair and just result."



Spill Prevention Control and Countermeasures Plans

County environmental departments or local CUPA's will begin enforcing requirement for facilities to have a written Spill Prevention Control and Countermeasures Plan beginning **November 10, 2011**. Facilities that came into operation prior August 16, 2002 need to come into compliance as soon as possible prior to November 10th. Facilities are subject under the SPCC rule if they have storage capacity of more than 1,320 gallons in aboveground containers at a



location. A plan template can be filled out for those who have capacity between 1,320 gallons and 10,000 gallons. A facility with capacity of more than 10,000 gallons will need a plan that is certified by a professional engineer. You must include **ALL** petroleum storage (diesel, gasoline, motor oil, hydraulic oil, waste oil, vegetable oil) in tanks 55 gallons or larger including tanks that are located in buildings and shops and mobile/portable containers.

Farms should also be aware that they are not exempt from SPCC requirements. The California Aboveground Petroleum Storage Act (APSA) does have an exemption for farms with storage under 20,000 gallons, but the Federal SPCC Plan rule provides **NO EXEMPTION** for farms and California is covered under that rule! More information and the SPCC template go to www.ccgga.org under the **Industry Issues** section.

Sales Taxes Decreased on July 1!

Effective July 1, 2011 the statewide sales and use tax rate decreased from 8.25% to 7.25%. The 1 percent decrease applies, generally, to all taxable transactions in California. In areas where voters have approved additional sales

taxes, the total tax rate applied to purchases will be the state-wide base tax rate of 7.25 percent, plus any applicable local sales tax. The sales and use tax rate in California prior to the decrease ranged from 8.25% to 10.75%, depending on whether additional regional voter-approved sales taxes apply. The new sales and use taxes range from 7.25% to a high of 9.75%. The partial state tax exemption rate also decreased from 6.25% to 5.25% for **qualifying** sales of **farm equipment** and **machinery**.



Instrument Leaf Grade Official This Year

The AMS Cotton and Tobacco Programs will move to the Instrument Leaf Grade as the official leaf grade July 1, 2011 for all types of cotton grading. The instrument leaf grade will be determined by an equation that utilizes instrument readings made by the HVI trash meter for percent area and particle count. Percent area is a two digit reading of the percentage of the sample surface covered by trash (in other words, the non-lint surface area). Particle count is the actual number of trash particles observed in the same nine square inches of view by the trash meter. The instrument leaf grade equation will make the grad determination based on the Universal Standards for American Upland Cotton and American Pima Standards for Pima cotton. Extraneous Matter will continue to be determined by a manual classer.

The Program's move to instrument leaf grade will not require any additional software programming to transmit and utilize the data. The calculated leaf grade will simply replace the current manual grade in column 38 of the data stream and will be in the same terms as the previous manual leaf grade.

We feel the movement to instrument leaf grade will be at least as accurate as the current manual classing system that has been in place for decades while offering improvements in precision, consistency, and efficiency. The Program studied the new methodology extensively on trials conducted during the 2009 and 2010 cotton seasons and thoroughly analyzed comparisons of the instrument calls to the official manual classification results and the Universal Standards. This new method has proven to be reliable and repeatable in maintaining the level of accuracy expected and recognized from our national grading program and its long-standing reputation.

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Cal/OSHA Steps Up Enforcement of Heat Illness Prevention Requirements

The Department of Industrial Relations' (DIR) Division of Occupational Safety and Health (Cal/OSHA) continues to focus on heat illness prevention as temperatures again rise to triple digits. Enforcement actions in the past few weeks have uncovered violations of the heat standard across the state, and resulted in the shutdown of one agricultural employer's operations for failing to protect workers in high heat. The grower failed to provide shade and other measures for his workers in temperatures that registered 105 degrees before noon. "The safety and health of California's outdoor workers is vital and our inspectors are out making sure that safety regulations are followed," said **DIR Acting Director Christine Baker**. Cal/OSHA inspectors issued an Order to Prohibit Use (OPU) to an operation working in Coachella, which resulted in the closure of their operation. A crew of four workers was observed in a chile pepper field working without access to shade. Inspectors learned that the crew had started their shift at 6 AM in heat that registered at 98 degrees at 8:30 am and spiked to 105 degrees before noon. "This is precisely why we have inspections taking place across the state, to ensure that all employers are protecting their workers with good heat illness prevention pro-

grams. Adequate water, shade, rest breaks, training, and emergency procedures and training can mean the difference between life and death," said **Cal/OSHA Chief Ellen Widess**. "Issuing an OPU is the strongest tool that we have in cases of imminent hazard such as this one in Coachella, and we will continue to use OPU's when we find such high risk to workers' health and safety." The Association encourages all of its members to have written heat illness plans in place and conduct training on heat illness on a regular basis during the periods of high heat. The Association encourages all of its members to have written heat illness plans in place and conduct training on heat illness on a regular basis during the periods of high heat. Contact the Association for Tailgate Meetings in both English and Spanish you can use **as one of the tools** to train your employees on the dangers of heat illness.

