



Tree Nut Times

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Industry Calendar

WAPA Board Election Results

This past month, the **Western Agricultural Processors Association (WAPA)** sought nominations for five (5) open board positions and received six (6) nominations, which included the five incumbents and one new nomination. At the December Board Meeting the WAPA Board of Directors voted to forego an election and appointed all six candidates to the board. Reelected to the Board of Directors was **Don Barton of Gold River Orchards, Mark Kazarian of Tule River Cooperative Dryer, Inc, Michael Kelley of Central California Almond Growers Association, Kim Keyawa-Musselman of Keyawa Orchards and Jonathan Hoff of Monte Vista Farming Company.** Newly elected to the board is **Amy Sihto, of El Dorado Almonds.**

Important Survey for All Agricultural Operations

As you are aware the California Air Resources Board (CARB) is moving full speed ahead on their “zero emissions” goals for California, including replacing all combustion vehicles and equipment by replacing them with electric or hydrogen vehicles or equipment. This includes all trucks and forklifts. The Association is convinced the infrastructure to meet such demand simply isn’t there. Up until a meeting last year hosted by the Association last year in Modesto, CARB and the California Energy Commission (CEC) and the California Public Utilities Commission (CPUC) were convinced there would be no problem meeting the demand. But after that meeting, CARB, CEC and the CPUC admitted they did not know how much demand would be from agriculture, nor did they know when it would be needed or where. At that

processors, etc.) to see how much electricity demand would be needed to comply with these new regulations, when it would be needed by, and to the zip code level where it would be needed. The survey is anonymous and only to zip code level. Your company or farm name and address is never entered or revealed. We are working with several agricultural organizations on this survey to demonstrate what the true demand and need would be to meet these regulations. Without this data, CARB will move forward on all regulations as planned. Should you have any questions, please contact our office. We encourage you to participate. Here is the survey: https://calpolycafes.co1.qualtrics.com/jfe/form/SV_bEJ6KsCwxHuo1P8?utm_medium=email&utm_source=govdelivery

Association Coordinates Metal Theft Meeting

The Association coordinated and co-hosted a metal theft meeting in Merced County this week to discuss a recent major uptick in copper wire theft in Merced and Stanislaus Counties. **Merced County Supervisor Lloyd Pareira and Stanislaus County Supervisor Vita Chiesa** chaired the meeting with the Sheriff’s Departments from Merced and Stanislaus Counties. The meeting was held at Hilltop Ranch in Merced county and in attendance was **Stanislaus County Sheriff Jeff Dirkse**, and a slew of sheriff deputies and officers from both Merced and Stanislaus counties. Representing the Association was **President/CEO Roger A. Isom and Director of Technical Services Christopher McGlothlin.** Isom wrapped up the meeting by thanking the Sheriff’s Departments and the **California Rural Crime Prevention Task Force** for their tremendous efforts in working to address this growing issue.

Isom stated “ We are members of the Rural Crime Prevention Task Force and they are an important tool against ag theft in this valley. Today’s meeting was to bring folks together and make sure the lines of communication are open as we all work together against this menace that is

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once again resurfacing here in the valley.” Coincidentally, the Merced and Stanislaus County Sheriff’s office announced a significant arrest had been made earlier that morning of the owner of an illegal wire and catalytic converter operation in Turlock. Co-hosting the meeting with the Association was the **Merced County Farm Bureau**.

FDA Finalizes Updated “Healthy” Nutrient Content Claim and Nuts Are In!

The U.S. Food and Drug Administration (FDA) has issued a final rule to update the “healthy” nutrient content claim to help consumers identify foods that are particularly useful as the foundation of a diet that is consistent with dietary recommendations. Manufacturers can voluntarily use the claim on a food package if the product meets the updated criteria. To bear the “healthy” claim, a food product needs to:

- **Contain a certain amount of food (food group equivalent) from at least one of the food groups or subgroups (such as fruits, vegetables, nuts, fat-free and low-fat dairy etc.) recommended by the Dietary Guidelines.**
- **Adhere to specified limits for the following nutrients: saturated fat, sodium, and added sugars.**

As an example, to include the “healthy” claim on the package, a cereal needs to contain a certain amount of whole grains and adhere to limits for saturated fat, sodium, and added sugars. **Nuts and seeds, higher fat fish, such as salmon, certain oils, and water are examples of foods that did not qualify for the “healthy” claim before but are foundational to a healthy eating pattern and recommended by the Dietary Guidelines. These foods now qualify to bear the “healthy” claim.** Manufacturers who choose to use the “healthy” claim have three years to conform but can use the new criteria sooner. The FDA will host a stakeholder webinar to provide an overview of the final rule and address questions.

Changes on the Horizon for WAPA

15 years ago, the Western Agricultural Processors Association was born out of a request of a few almond hullers and processors asking for compliance help and a robust level of representation at the state and federal level of regulatory agencies. Today, the Association represents more than 170 hullers and processors of almonds, pecans, pistachios and walnuts. Over the past few years growers have asked the Association to provide the same representation to them. **This December the WAPA Board of Directors met and made the decision to propose to the membership to broaden its membership to include growers and have the Association address grower-related issues.** To do so, the Association must modify its bylaws, and in doing so the Board felt compelled to change

the name to more accurately reflect who the Association is and expand its board of directors to include grower representation. It also necessitates a changes to the dues structure to provide for grower dues. To go into effect, a



majority of those voting must support the change. Ballots have been sent to all regular members and we ask that every member vote and return the ballot by January 31st, 2025. Should you have any questions, comments or concerns, or simply want to discuss the proposed changes, please do not hesitate to contact me at (559)455-9272 or via email at

roger@agprocessors.org. We will be holding ten (10) regional meetings to allow any of our members to ask questions or express concerns to staff and board members.

CDPR Finalizes Advance Pesticide Notification Regulation

The **California Department of Pesticide Regulation** has finalized their statewide pesticide application notification system regulations now known as **Spray Days California**. The regulations are the first-of-its-kind system to provide advance information on the planned applications of restricted material pesticides used in agriculture. The statewide notification regulations will be effective February 24, 2025, and DPR is on track to begin the implementation of the statewide system, SprayDays California, in March 2025. DPR will be conducting outreach to growers, communities and the broader public in early 2025 in advance of the system launch to provide more information on the regulatory requirements and the information provided in the system, including information on the pesticide regulatory system in California. In summary, this action requires all agricultural use notices of intent (NOIs) to be electronically submitted to the County Agricultural Commissioner (CAC) via CalAgPermits.org. Additionally, it requires all NOIs for soil fumigations to be electronically submitted to the local CAC via CalAgPermits.org a minimum of 48 hours before the intended start of the application. It also requires specific information from NOIs for the use of restricted materials requiring a permit for the production of an agricultural commodity to be electronically submitted to DPR via CalAgPermits.org at least 48 hours in advance of the intended start of a soil fumigation and at least 24 hours in advance of the intended start of an application of all other pesticides. **Additionally, beginning March 26, 2025, this action requires DPR to make the specific NOI information it receives publicly available upon receipt or as soon as practicable.** Finally, it requires DPR to issue annual updates on its system and process for making the specific NOI information publicly available until DPR issues a comprehensive report on the system three years after February 24, 2025, or as soon thereafter as reasonably practicable. This was vigorously opposed by the Association and the agricultural industry.

State Extends Comment Period on Bay Delta Plan

The State Water Resources Control Board (SWRCB) staff has released for public review and comment a draft of potential updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento- San Joaquin Delta Watershed (Bay-Delta Plan). The draft updates to the Bay-Delta Plan are focused on the portions of the plan relevant to the Sacramento River watershed, Delta eastside tributaries (including the Calaveras, Cosumnes, and Mokelumne Rivers), and Delta (Sacramento/Delta) for the reasonable protection of fish and wildlife beneficial uses. The draft Sacramento/Delta updates to the Bay-Delta Plan include options for

incorporating what is referred to as the “regulatory pathway” or “regulatory provisions” based on concepts described in the Board’s September 2023 draft Staff Report that includes new Sacramento/Delta tributary inflow and cold water habitat provisions and inflow based Delta outflows, as well as other provisions. The draft also includes provisions based on voluntary agreements (VAs) proposed by public water agencies and state and federal agencies known as the Healthy Rivers and Landscapes Proposal and referred to as the “VA pathway” or “VA provisions” that would also be regulatory provisions if incorporated into the Bay-Delta Plan. The State Water Board has not yet made a decision on how to move forward with the Sacramento/Delta updates to the Bay-Delta Plan and is seeking public input on the potential updates and options identified in the draft plan. The proposed plan would be devastating to agriculture resulting in as much as 330,000 acres of fallowed land in the Sacramento Valley and 260,000 acres of land in the San Joaquin Valley. The Association is developing comments opposing the proposed flow restrictions and supporting the alternative plan and VA provisions. Based on comments on this draft, State Water Board staff will develop a revised draft of proposed updates to the Bay-Delta Plan for additional public comment and Board consideration.

US Fish and Wildlife Service Proposes to List Monarch Butterfly as Threatened

The U.S. Fish and Wildlife Service is proposing protection for the monarch butterfly and is seeking input on a proposal to list the species as threatened with species-specific protections and flexibilities to encourage conservation. Public comments will be accepted on the proposal until March 12, 2025. The Service will then evaluate the comments and any additional information on the species and determine whether to list the monarch butterfly. To assist with monarch conservation efforts, the Service is also proposing critical habitat for the species at a portion of its overwintering sites in coastal California. In total, the Service is proposing 4,395 acres of critical habitat for the western migratory monarch population across Alameda, Marin, Monterey, San Luis Obispo, Santa Barbara, Santa Cruz and Ventura counties in California. A critical habitat designation imposes no requirements on state or private land unless the action involves federal funding, permits or approvals. A 90-day comment period will open on December 12, 2024, and will close on March 12, 2025.

WAPA Mourns the Passing of Board Member Todd Crosswell

The Association is mourning the sudden passing of Board member **Todd Crosswell of JSS Almonds**. Crosswell joined the WAPA board of Directors in 2022. A celebration of life will be held on Monday, January 6th, 2025 at 10:00 AM at the Grangeville Cemetery (10428 14th Ave, Armona, CA 93230). A reception will be held on Monday, January 6th, 2025 from 11:00 AM to 4:00 PM at the St. John's Hanford Hall.

Minimum Wage Going Up Again – Effective January 1, 2025

California law gradually increases the statewide minimum wage and requires an automatic increase in the minimum wage of up to 3.5% to account for any increase in inflation over 7% as determined by the Consumer Price Index. On August 1, 2024, the Cali-

fornia Department of Finance Director officially certified that beginning January 1, 2025, California’s minimum wage will increase from \$16 per hour to \$16.50 per hour for all employers, regardless of size. This hourly increase also affects the minimum salary requirements for full-time exempt employees, which currently is \$66,560 per year in gross wages (\$5,546.67 per month). Beginning January 1, 2025, the minimum salary for a full-time exempt employee will be \$68,640 per year in gross wages (\$5,720 per month).

The Final Phase of California Agricultural Worker Overtime Phase-in Effective January 1, 2025

On January 1, 2025 all agricultural workers will be able to receive overtime pay according to the 8-hour day/40-hour workweek standard similar to other industries. With the final year of the phase in, all employers must now ensure they are calculating overtime at 8 hours/day and 40 hours/week for work performed in 2025. Additionally, all agricultural employers must pay double the regular rate of pay after 12 hours in a workday.

Available Grant Funding for Zero-Emission Cargo Handling Equipment, Heavy-Lift Forklifts, Ferries, Tugboats, and Towboats

The [California Volkswagen \(VW\) Zero-Emission Freight and Marine \(ZEFM\) Program](#) is now open, offering up to \$25 million in funding to owners of equipment based in California. The following zero-emissions projects are eligible:

- Repowering marine vessels, including ferries, tugboats, and towboats to zero-emission;
- Replacing heavy-lift forklifts (with a lift capacity of 8,001 lbs. or greater) with zero-emission alternatives; and
- Replacing cargo handling equipment including terminal tractors with zero-emission alternatives.

Applications are being accepted on a first-come, first-served basis **until January 22, 2025**, at 4 PM PDT. To date, over \$45 million of the program’s \$70 million allocation has been awarded to eligible projects from previous solicitations. Start your [application](#) today at Zero-Emission Freight and Marine Projects (californiavwtrust.org).

This solicitation includes several key updates:

- Qualifying projects are eligible for the highest possible grant amount, limited only by the total vehicle cost and prior equipment usage.
- The definition of “port” has been expanded to include river ports, railyards, freight terminals, intermodal facilities, and freight corridors.
- “Ferry” now also includes water taxis.
- All marine vessel repower projects must submit proof of their submitted ZEAT applications to CARB as part of their VW ZEFM application.
- This solicitation does not include funds for Airport Ground Support Equipment (GSE).
- CARB’s Clean Off-Road Equipment (CORE) Voucher Incentive Project does currently have funds available, please visit the

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[CORE website](#) if you wish to apply.

Upcoming Webinar

There is an informational webinar to review program requirements and the application process on Wednesday, January 8 2025, at 2 PM PDT. [Register now](#).

WAPA Activities for December

- Met w/ Assemblywoman Esmeralda Soria on Legislative Priorities for 2025
- Attended SJVAPCD Governing Board Meeting
- Met w/ USDA NRCS and SJVAPCD on incentive funding
- Participated in Vertebrate Pest Control Research Advisory Committee on rat issue
- Participated in meeting with UC Riverside and Fresno State on Electric Infrastructure study
- Attended meeting on Zero Emissions for Heating and Drying at South Coast AWMD
- Chaired AECA Executive Committee Meeting
- Attended Citizens Advisory Group of Industry (CAGI) meeting
- Coordinated metal theft meeting for Merced and Stanislaus Counties
- Held WAPA Board Meeting
- Met w/ CalStart on agriculture incentive meeting
- Met w/ Tri-Cal on 1,3-D regulations
- Finalized two (2) ATCs for almond huller
- Attend Pre-Harvest Agricultural Water (Subpart E) update webinar
- Attended QA Food Safety Culture Virtual Conference webinar
- Conducted 1 Forklift Safety Training for an almond member
- Conducted 1 Fall Protection Training an almond member
- Developed 3 Hazard Inspections for clients
- Developed 10 Machine Specific Lockout / Tagout Procedures for a walnut

processor

- Developed one safety programs for a almond huller
- Conducted FA/CPR training for a pistachio processor
- Conducted Forklift TTT for an almond processor
- Conducted Aerial Lift/Fall Protection for an almond processor
- Conducted Confined Spaces training for a pistachio processor
- Conducted a Noise Survey for a client
- Developed 2 safety programs for an almond huller
- Attended Pre-Harvest Agricultural Water (Subpart E) Update
- Conducted five onsite safety audits for clients
- Conducted Forklift safety training for a walnut processor
- Conducted Fall Protection safety training for a walnut processor
- Conducted Aerial Lift and Fall Protection training for an almond processor
- Conducted Confined Space safety training for a pistachio processor
- Conducted an noise survey for a client
- Participated in a San Joaquin Valley Water Blueprint meeting
- Participated in a 1,3-D briefing
- Attended a FSMA Produce Safety Rule Pre-Harvest Agricultural Water Webinar
- Attended CARB and South Coast AQMD Joint Workshop on Industrial and Commercial Zero-Emission Technologies
- Assisted with organic certification for two clients
- Attended AgTech Meeting at Air District
- Attended Lowered NAAQS Standard Planning Meeting
- Attended Almond Conference in Sacramento
- Participated in Meeting with New CARB Staff on TRU's
- Participated in Ag Electrification Survey Effort
- Wrote Letter of Support for USDA Ag Air Quality Task Force
- Met with Air District on New Air Curtain Burner Emissions Testing Requirement