Council of Producers and Distributors of Agrotechnology
Terry Kippley, President
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New California Adjuvant Regulations on the Horizon?

On Tuesday, November 22, Scott Rawlins, Bob Ehn and CPDA member company representatives participated in a Western Plant Health Association virtual meeting to discuss the California Department of Pesticide Regulation (DPR) new guidance which will potentially require adjuvant registrants to disclose Confidential Business Information about their formula.

Under California law, adjuvants are considered pesticides. As such, DPR requires the registration of adjuvants prior to sale or use.

On November 4, DPR released new guidance for adjuvant registrants. This new guidance, if it takes effect, requires registrants to list Principal Functioning Agents (PFAs) on the Product Formulation Information (PFI) page of the registration application. This includes identifying and providing "all chemical ingredients, including the complete composition of proprietary blends, mixes, tradenames, etc., as well as the of "Constituents Ineffective as Spray Adjuvants" In addition, the precise chemical names of PFAs listed on the PFI form must be adequate for DPR to understand the precise chemical composition of the proposed formulation. This means that registrants must provide Chemical Abstracts Service (CAS) numbers for each ingredient in the formulation and that the contents of the formulation must sum to a total of 100%.

The guidance stipulates that only the three most abundant PFAs need to be listed on the label and that they may be listed in any order, with the overall percentage indicated as a sum of all PFAs in the adjuvant formulation.

In some cases, DPR's new labeling guidance will explicitly reveal a registrant's proprietary formula. This is especially true for adjuvants with just 3 PFAs.

DPR is seeking comments on this new guidance, which are due on December 20. CPDA is working alongside WPHA to provide joint comments so that the final guidance does not disclose CBI.

Rail Strike

A rail strike is back in the news. In September, the White House brokered an agreement to avoid a strike. That deal fell apart as several of the unions affected by the agreement failed to ratify it. Efforts to negotiate a new package have been unsuccessful.

On Monday, President Joe Biden urged Congress to step in to avert a "potentially crippling national rail shutdown," which could occur as early as December 5. A rail strike at the beginning of the holiday season would impact Virtually all industries. Biden is asking Congress to intervene because, under the 1926 Railway Labor Act, Congress can force workers to return to work.

Yesterday, the House passed legislation that would force a tentative rail labor agreement and prevent a national strike. The bill now goes to the Senate, where Majority Leader Chuck Schumer, and Minority Leader Mitch McConnell said they intend to pass the legislation "as quickly as possible."

The House legislation approves new contracts providing railroad workers with 24% pay increases over five years from 2020 through 2024 and immediate payouts averaging $11,000/person.

This is a huge issue for CPDA members. A strike would shut down large portions of the U.S. rail system, which carries nearly one-third of the nation's freight. Even a short strike would have profound effects on the economy as enormous amounts of agricultural goods and crop inputs and other key commodities would have no way of reaching their destination. While truck shipments are an alternative to rail, the U.S. simply does not have the truck capacity to replace rail service. On top of that, a looming diesel shortage adds to the potential impact.

Supporting Industry Allies

The old saying that TEAM means "Together Everyone Achieves More" is very true when it comes to advocacy. Working together, we can make our voices heard. Before the Thanksgiving Holiday, I was able to attend the Annual Meetings for the both the SCPA (Southern Crop Production Association) and SOCMA (Society of Chemical Manufactures and Affiliates) to see old friends and to make new ones.

Terry Kippley, President, CPDA and Jennifer Abril, President & CEO, SOCMA.

Bucky Kennedy's SPCA Annual Meeting theme of Defining, Developing and Defending sets the stage for a multi-year association strategy. They had a terrific speakers program including a Government Affairs Session made up of an address by old friend Ted McKinny, CEO of NASDA along with a panel consisting of Daren Coppock, ARA; Andy Lavigne, ASTA; Megan Provost, RISE; and Corey Rosenbusch, TFI.

Terry Kippley, President, CPDA and Jim Delisi, President, Fanwood Chemical.

SOCMA's Jennifer Abril's 2022 Summit and Annual Meeting also offered an excellent government affairs panel answering many questions about increased regulatory activity coming out of the EPA and what government can do to help with the shortage of skilled manufacturing workers. They also had a terrific international business panel hosted by a good friend and past CPDA presenter, Jim DeLisi of Fanwood Chemical.

CPDA Calendar and Upcoming Events

December 13th from 2:00-4:00 pm EST – CPDA Board Meeting Virtual
December 15th from 4:00-7:00 pm EST – CPDA Holiday Reception, Arlington, Virginia
March 6-8th, 2023 – CPDA Board Meeting and Washington DC Fly-In
May 1st-3rd, 2023 – CPDA Adjuvants and Inerts Conference, Austin, Texas

All the best,

Terry