



# Lodi District Grape Growers Association *Update*

Summer 2019

## Zinfandel Celebrated at State Capitol

Last summer, Assembly Concurrent Resolution 227 (2018) by Assemblymember Jim Cooper established that May is California Zinfandel Month. Zinfandel is recognized for its cultural and historical contribution to California, and its importance to the state's wine industry. This May, Assemblymember Cooper along with LDGGA and the Lodi Winegrape Commission, hosted a tasting featuring Lodi Zinfandel at the State Capitol for legislators and their staff. The tasting was well attended by legislators from across the state who had the opportunity to meet grape growers and learn more about Lodi Zinfandel.



Lodi growers join Assemblymember Jim Cooper to celebrate California Zinfandel Month

## Twenty Local Students Awarded Jim Kissler Memorial Scholarships

The Lodi District Grape Growers Association Scholarship Committee has selected twenty local students to receive \$37,000 in Jim Kissler Memorial Scholarships for the 2019-2020 academic year.

The Jim Kissler Memorial Scholarship is awarded to high school and college students pursuing a career in agriculture, with an emphasis on viticulture, enology, agribusiness, agricultural engineering, agricultural mechanics, or agriculture education. Applicants must have attended and/or graduated from a high school in Crush District 11, or have a relationship with a farming operation in Crush District 11.

LDGGA also administers the Michael David Family Foundation Scholarship which awarded \$47,000 this year. The Michael David Family Foundation scholarship is available to students who will be graduating from high school in Crush District 11 that have a relationship with a farming operation in Crush District 11 (such applicants may major in any area of study) or students that will be majoring in an ag related field.

The following are biographies as provided by the 2019-2020 Jim Kissler Memorial Scholarship winners:

### Jim Kissler Memorial Scholarship Fund \$3,000 Scholarship Recipients

#### Emma Canepa Cal Poly SLO Wine & Viticulture

My name is Emily (Emma) Canepa and I am from Clements, California. Growing up, harvest season was always my favorite time of the year. One of my favorite things to do was ride on the harvester and see the grapes disappear into the gondolas. Little did I know then that these times would have a lasting impact on my life.

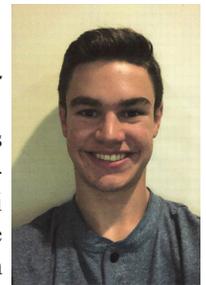


I am currently finishing up my first year at Cal Poly San Luis Obispo where I am majoring in Wine and Viticulture. After college, I hope to become a wine maker and

eventually open up my own winery.

#### Alec Dosio Cal Poly SLO Ag Plant & Environmental Science

My name is Alec Dosio. I am currently a senior at Lodi High School and will be attending Cal Poly, San Luis Obispo in the fall. I will be majoring in Ag Plant and Environmental Science in order to pursue a career in the farming industry.



The many hours I have spent working for my family's wine grape farming company and the importance of providing people with quality food has inspired me to pursue a career in the agriculture industry. Once I graduate from college, I hope to come back to Lodi to help with the family business and come up with new/more efficient ways to farm wine grapes in the Central Valley.

*Continued on page 4*

# Notes from the Executive Director

Amy Blagg, LDGGA Executive Director



Summer is here which means harvest is just around the corner. One of the greatest concerns during harvest is the safety of all involved- growers, employees, and those that we share with road with. On July 23rd, LDGGA and the Lodi Winegrape Commission will host the Annual Lodi Grape Harvest Safety Seminar. (Details below.) This half-day seminar is a great opportunity for you and your employees to prepare for a safe harvest season. This seminar would not be possible without the safety professionals that will be presenting. Thank you AgSafe, Cal Ag Safety, MVP Safety Professionals, and Zenith Insurance. The Harvest Safety Seminar is offered free of charge, but please RSVP!

After an overwhelming show of support last year, the LDGGA Board of Directors has decided to make the Red Cross Blood Drive in honor of Director Kris Gutierrez an annual event. The 2nd Annual LDGGA Blood Drive will be held on Friday, July 19th from 10:00 am until 4:00 pm. Although walk-ins are accepted, it is preferred that you book an appointment.

Appointments can be scheduled online at [www.redcrossblood.org](http://www.redcrossblood.org) or by contacting LDGGA.

This May, LDGGA held a grower meeting focused on Lodi wine grape costs and returns. The speakers outlined the increasing cost of doing business, primarily due to the rising cost of labor, as well as the current winegrape market. Additional information on this topic will be available this summer as LDGGA is collaborating with the UC Ag Issues Center and grower and industry cooperators to update the UC Cost Study for Winegrapes in District 11. We are also working on LDGGA's Annual Winegrape Market Analysis for the District.

This issue features bios written by the Jim Kissler Memorial Scholarship Recipients. The LDGGA scholarship committee reviewed over sixty applications from local high school and college students. A record twenty Jim Kissler Memorial Scholarships were awarded totaling \$37,000. This is possible due to the tremendous support from LDGGA members

who contribute to the scholarship program throughout the year and at the Annual Meeting & Dinner. Thank you!

LDGGA Member signs are now available for all LDGGA members. If you have not already done so, be sure to pick yours up at any LDGGA event.

## Upcoming Events

### 2nd Annual LDGGA Blood Drive in honor of Kris Gutierrez

**Friday, July 19, 2019**

Lodi Grape Festival, Burgundy Hall  
10:00 am - 4:00 pm

Last summer, LDGGA Director and past President Kris Gutierrez of KG Vineyard Management was diagnosed with Leukemia. Kris' illness brings to light the need for blood donation in our community. Please join us at the 2nd Annual LDGGA Blood Drive in Kris' honor.

For an appointment, visit [redcrossblood.org](http://redcrossblood.org) and use sponsor code: LDGGA or schedule through LDGGA at (209)339-8246 or [info@ldgga.org](mailto:info@ldgga.org).

### Lodi Grape Harvest Safety Seminar

**Tuesday, July 23, 2019**

Lodi Grape Festival Grounds  
7:30 am - Registration  
8:00 am - Harvest Safety Seminar

Seminar includes sessions on mechanical harvester safety, night work considerations, heat illness prevention, and a Cal OSHA update. The program is offered free of charge to District 11 grape growers and their employees by the Lodi District Grape Growers Association & Lodi Winegrape Commission.

RSVP by July 19th to LDGGA at (209) 339-8246 or [info@ldgga.org](mailto:info@ldgga.org). Please indicate Spanish or English session.

*Due to construction on Lockeford Street, those attending events at the Lodi Grape Festival Grounds should enter using the Murray Street/Calaveras Street entrance.*



Lodi District Grape Growers Association

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# LDGGA Grower Members Recognized for Their Contributions



## Visit Lodi Winery of the Year *Bokisch Vineyards*

Bokisch Vineyards was named the Winery of the Year by the Visit Lodi Conference and Visitors Bureau. Since planting their initial vineyard in 1999, Markus and Liz Bokisch have produced premium Spanish wines made from unique grape varietals and provided an outstanding wine tasting experience to wine tourists for almost two decades.

Bokisch Vineyards has been a leading force in establishing Lodi as a destination for wine lovers, seeking the out-of-the-ordinary, and have traveled throughout the country and world promoting Lodi as one of the premier viticultural areas in the world. Liz and Markus have also been at the forefront of the sustainable winegrape grower movement.



## CAWG Leader of the Year *Brad Goehring*

Brad grows winegrapes in the Lodi-Clements area and is owner of Goehring Vineyards, a vineyard development and farming entity. Brad is actively involved with several agricultural organizations. Brad served on the CAWG Board of Directors for nine years. He is a member of the Lodi Winegrape Commission's Research Committee, an a member of LDGGA, and a Director-at-Large of the San Joaquin Farm Bureau Federation.

Brad is always willing to dedicate his time to serve as a spokesperson on numerous agricultural issues including Federal Clean Water Restoration Act, Waters of the U.S., Cal OSHA standards, labor issues, Farm Labor Contractor Licensing, and more.

## Lodi Boys & Girls Club Community Hall of Fame

### *Stephen J. Borra*

Steve Borra began making wine at his ranch on Armstrong Road in 1967, and established Borra Vineyards and Winery, Lodi's first bonded boutique winery, in 1975. He also helped establish Lodi Irrigation in 1983. He is an active member of the Lodi Rotary Club, St. Anne's Catholic Church, and supports the San Joaquin Historical Society, St. Mary's Dining Hall and Hutchins Street Square Foundation.

### *Sharon Stokes*

Sharon worked for the City of Lodi Finance Department from 1987 to 2002. Since 2002, she has been a leading executive at Stokes Farms. She has dedicated her time to numerous organizations including the Hospice of San Joaquin Butterfly Auxiliary, Thornton Community Center Advisory Council, United Cerebral Palsy of San Joaquin Board, and is an active 4-H leader.

### *Bruce & Barbara Mettler*

Bruce and Barbara were honored posthumously for their dedication to the community. Bruce sat on the board of directors for East-Side Winery, was a director of the Lodi Grape Festival and served on the board of directors for F&M Bank. He served as president of the San Joaquin Farm Bureau and helped create the SJFB Foundation for Agricultural Education

Barbara taught home economics and served as a 4-H leader. She was a member of the American Association of University Women and Omega Nu.

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## 2019-2020 Jim Kissler Memorial Scholarship Recipients : Continued from page 1

**Chantz Granlees**  
*Cal Poly SLO*  
*Ag Plant & Environmental Science*



Being involved in leadership and other experiences, I believe I am prepared for all college has to offer. I have participated in Lodi High FFA Farm Power Team for 3 years, earning awards in the team division and the individual division at State Finals. I have made it to the State Final level with my Proficiency of Excellence Viticulture project the past 2 years, earning 2nd place last year. I have also competed in various trapshooting competitions, making it to National Finals in 2017, placing 11th out of 97 entries. I was V.P. of our 4-H Swine Club in 2015. I received my "Block L" award my junior year, which is where you need to maintain at least a 3.8 gpa for 2 consecutive semesters.

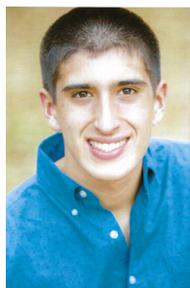
My ultimate goal is to obtain a Farm/Ranch Management position once graduating from college and eventually starting my own farming operation once I gain enough experience and knowledge. Agriculture is in my blood.

**Cameron Heinitz**  
*Cal Poly SLO*  
*Wine & Viticulture*



My name is Cameron Heinitz. I am currently the president of the Tokay FFA chapter. In the FFA, I have been on both the vine pruning and tree pruning teams, placing 4th in the state this year for tree pruning. Previously I have raised market hogs, but I transitioned over to market goats and have been raising market goats for the past three years for the county fair. I am excited to continue my education at Cal Poly San Luis Obispo, majoring in wine and viticulture with the plan to become a vineyard manager and to one day own my own winery. I am excited to continue onto my career path and hope that I will be able to come back to the Lodi area and be as supportive to the youth as others have been to me.

**Samuel Wright**  
*Harvard University*  
*Environmental Engineering*



I've grown up in Lodi with my parents and my brother. My parents are both teachers and my brother and I were encouraged throughout our childhoods to focus on school and eventually go to college. As a student athlete, I spend most of my time either studying or training for Track & Field. I'll be starting my undergraduate work this fall at Harvard and will be a part of its track team as a pole vaulter. In school, I really enjoy my science classes, especially Environmental Science. I plan on studying this field in college and eventually entering it as a career. I'd like to apply my interests in environmental science to finding a way to increase agricultural yields in a sustainable way in order to feed the human population for generations to come.

### *\$2,000 Scholarship Recipients*

**Helene Dondero**  
*Cal Poly SLO*  
*Agricultural Science*



I am a third year at Cal Poly, San Luis Obispo majoring in Agricultural Science with a concentration in Environmental Science and a minor in Agribusiness. I plan on completing my Bachelor of Science and then continuing on for my teaching credential and Masters in Agricultural Education. I am currently very involved in several clubs on and off campus such as Ag Ambassadors for the College of Agriculture where I serve as a liaison between the department and the community, giving tours and representing the college at various industry events.

Upon completion of my degrees I plan on becoming an agricultural teacher. I want to encourage my students to put their best foot forward in every-

thing they do, and to have the courage to continue to ask questions, because if they don't continue to challenge themselves and ask the question, they will never grow from the knowledge of the answer.

**Brooke Dondero**  
*Oklahoma State*  
*Agribusiness*



I was born and raised on a walnut and cherry production farm where I learned your level of success is determined by how hard you work. Coming from a small community I had so many different opportunities to get involved.

Currently, I am attending Oklahoma State University where my major of study is Agribusiness with an emphasis in Farm and Ranch Management. I am also working towards a minor in Agricultural Real Estate Appraisal. At Oklahoma State University, I serve as the Student Council Representative for the Dairy Science Club and the Recruitment Chair for the Beta Psi Chapter of Sigma Alpha. Upon graduation this December, I hope to be admitted into the Master of Science in International Agricultural Program here at OSU. Upon completing the appropriate degrees at OSU, I plan to return back to California in hopes of going to work for a farm credit company.

**Kaleb Roberson**  
*Cal Poly SLO*  
*Agricultural Science*



I am currently a second year Agricultural Science major with a minor in Agribusiness at Cal Poly, San Luis Obispo. I am originally from Galt where I was an active member of the FFA program. I currently am involved on campus writing for Ag Circle, as well as having participated last year in the California Farm Bureau Young Farmers and Ranchers Discussion Meet Contest. I plan on working towards my teaching credentials and Master's degree so that I can teach high school agriculture.

**Delaney Sarantopoulos**  
*CSU Chico*  
*Animal Science*



Delaney Sarantopoulos has been a member of the Elk Grove FFA for four years. While in FFA, her Supervised Agricultural Experience Project consisted of raising market goats to sell at the Sacramento County Fair. She has placed first in agriscience for the past three years in the California FFA Agriscience Fair and placed in the top five each year at the National FFA Agriscience Fair. Delaney was also a state winner for proficiency in the Plant Systems category and competed on the Farm Business Management team.

After graduating from Elk Grove High School, she plans to attend California State University, Chico with a major in Animal Science, while enrolled in the pre-veterinary program.

**Madison Sweat**  
*CSU Chico*  
*Agriculture Education*



My name is Madison Sweat and I am a senior at Galt High School. Throughout my time in high school I have been an active member of the Future Farmers of America and this year I serve as the Galt FFA Reporter. I grew up in a family of four with my younger brother Brandon and my two amazing parents Cindy and Scott Sweat. I have loved being a student at Galt High School specifically the Ag Department because I have always had a really good relationship with my ag teachers and with all of my friends I have met along the way. Thanks to my experiences at Galt High, I want to go to college to major in Ag Educa-

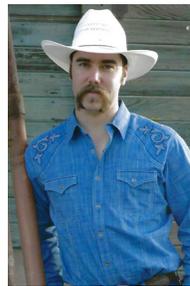
tion and learn how I can be the kind of a teacher who makes a real difference in all types of students' lives.

**Elisabeth Watkins**  
*University of Nevada Reno*  
*Agriculture Science*



Elisabeth Watkins is a senior at Central Catholic High School in Modesto. She resides in Linden, where she participates in the Linden-Peters 4-H Club. She is a sixth-generation beef cattle rancher and has been raising project steers and registered Shorthorn cattle for nine years. Elisabeth will attend University of Nevada Reno in the fall to pursue a bachelors of science degree in ag science. Her career goal is to become an agriculture broadcaster, working to educate consumers on how food is produced and when it is in season.

**Kenneth Watkins**  
*Oklahoma State*  
*Agribusiness*



Kenneth Gwynne Watkins IV is currently a junior at Oklahoma State University pursuing a degree in Agribusiness- Farm and Ranch Management. He attended school in the Linden Unified District, where his family lives on a farm and ranch. He was a member of the Linden-Peters 4-H club for nine years participating in projects like beef and welding. Kenneth participated in Linden High's FFA Chapter where he served as their reporter and vice-president. He was a finalist for the National Agriculture Sales Proficiency Award with his hay sales business. Kenneth also received both his State and American FFA Degrees.

At Oklahoma State he is a member of the Cowboy Motorsports club and the Collegiate Cattlemen's Association. After he graduates from college, Kenneth plans on coming back to Linden to work on his family's farm and ranch.

**\$1,000 Scholarship Recipients**

**Alexsis Altheide**  
*SJ Delta College*  
*Ag Business*



My name is Alexsis Altheide. I am 18 years old and from Stockton, California. I was a competitive gymnast for 9 years which made a deep impact on my work ethic, as well as my character. I decided to leave the sport in order to further my career in agriculture. I became interested in agriculture my freshman year of high school where it showed me what field I wanted to pursue for my career. Since then I have become more responsible and confident in myself. I have raised and sold two market lambs and currently work as a competitive gymnast coach. I plan to double major in agricultural business and animal sciences in hopes of becoming a PCA or an agricultural animal breeder. My biggest hope is for my work in agriculture to make an everlasting positive difference for years to come.

**Magen Caldwell**  
*Cosumnes River College*  
*Mechanical Engineering*



I have done many things throughout my years of life. I have failed and succeeded in many things and ways. These lessons have taught me to push through and be re-

*Continued on page 6*

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## 2019-2020 Jim Kissler Memorial Scholarship Recipients Continued from page 5

silient. Because I am not very big I have been working with my hands and inventing things to help me with all my jobs and work. After I get my Bachelor's in science and engineering, I plan on helping develop equipment with one of the tractor companies. We live in a world that is constantly changing, that is why my main goal is to update my knowledge to the latest tools so the small-scale farmer can always be up with the times.

### **Brittany Mogler** *Brigham Young* *Agribusiness*



Brittany Mogler, a senior at Tokay High School, has been an active member of the FFA and has decided to continue her education in Idaho and earn her degree in Agribusiness. Despite having no ties to production agriculture, she values niche markets such as floriculture and plans on owning her own business and being an educator of agriculture.

Brittany has been a part of several sports as well as other valuable events and continually has a busy schedule that either has FFA, school, service, or family providing her with opportunities to grow as an individual. She is a continual learner and values genuine connections in life in order to connect with those around her. Brittany is excited, confident, and nervous for the new challenge ahead in college, but is ready to put forth her best effort and get the most out of every experience.

### **Caitlin Newport** *SJ Delta College* *Agribusiness*



I am Catie Newport, the youngest of three girls, and the daughter of Brent and Christy Newport. My family has farmed in the local area for over 50 years. My father has also been the local Ag Teacher at Lodi High for over 28 years. I have been actively involved as a member and officer of the

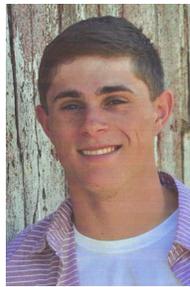
Alpine-Victor 4H group until I moved on to high school. In high school, I was an active member of the Lodi FFA. My involvement included being an officer for three years, multiple SAE projects, and involved on numerous judging teams. Over the past four years, I have invested in myself in giving back to various 4-H groups and a junior board member of Ag Fest. When I am not found on our farm, or with other projects, I am on the golf course. I have been a member of the Lodi High Varsity Golf Team for four years and an active Captain.

### **Brooklyn Petersen** *Cal Poly SLO* *Ag Communications*



My name is Brooklyn Marie Petersen. I was born and raised in Lodi, California. Growing up around agriculture has been a defining factor in my life and has led me to pursue a college education in Agricultural Communications and Business at Cal Poly. I am so thankful to be attending a school and learning so many different aspects of agriculture other than what I already know. Taking soil science, dairy science, and financial accounting classes has broadened my horizons. Without scholarship programs like LDGGA, my education would not be possible. In my free time, I enjoy photography, hiking, and skiing.

### **Ian Reece** *Cal Poly SLO* *Agriculture Systems Management*



Hi, my name is Ian Reece, and I am a second year Agriculture Systems Management Major at Cal Poly San Luis Obispo from Galt, California. I currently work as a student assistant and shop technician for the Cal Poly Biology Department as well as a milker for the campus dairy. I am active in on campus clubs such as Agriculture Engineering Society and Dairy Club. This past September, I participated in Week of Welcome

as an orientation leader. In my free time, I enjoy fishing, hiking, listening to music, and spending time with friends. I hope to graduate with a Bachelors Degree before moving on to begin working on receiving my teaching credential.

### **Jasmine Toledo** *CSU Stanislaus* *Agriculture*



My name is Jasmine Toledo and I am from Lodi, California. I am a second-year college student majoring in Agriculture with a concentration in Economics at CSU Stanislaus.

As a first generation student, I had no idea of what to expect after high school. All I knew is that I was determined to follow my passion for agriculture. Many people have motivated, supported, and helped me throughout my journey. For that reason, I am very thankful for every opportunity given to me. I have worked hard to get to where I am today, and I look forward to what the future holds for me.

### **Elizabeth Vietheer** *Modesto JC* *Animal Science* *Ag Marketing*



Ever since I was old enough to hold a show stick, I have been involved in my family's cattle operation, HAVE Angus in Wilton. Whether showing, selling or taking care of the cattle, I have always held a natural affection for the beef cattle industry and the people who are a part of it. I am a senior at Elk Grove High School and have been involved in my FFA Chapter.

I plan to continue my livestock judging thru college and hope to attend Modesto Jr. College or Conners State College in Warner, OK and Oklahoma State University to major in Animal Science and Ag Marketing and Communications.

## Michael David Family Foundation Scholarship

Congratulations to the following students that were awarded scholarships from the Michael David Family Foundation for the 2019-2020 academic year.

- Alexsis Altheide
- Kylie Applemun
- Haley Boynton
- Magen Caldwell
- Allison Canepa
- Emma Canepa
- Helene Dondero
- Brooke Dondero
- Alec Dosio
- Brandon Gonzalez Lopez
- Chantz Granlees
- Cameron Heinitz
- Crystal Huerta
- Brittany Mogler
- Janessa Morris
- Matthew Moso
- Caitlin Newport
- Gloria Nunez
- Evan Oneto
- Brooklyn Petersen
- Ian Reece
- Kaleb Roberson
- Delaney Sarantopulos
- Delaney Short
- Jasmine Toledo
- Elizabeth Vietheer
- Elisabeth Watkins
- Kenneth Watkins
- Samuel Wright
- Brooklyn Young

## Wildfires & Smoke in Vineyards

by Michael Müller, CAWG

The Occupational Safety and Health Standards Board is considering an emergency regulation to address worker exposure to wildfire smoke. The regulation could take effect this year and is being drafted by Cal/OSHA. The general purpose of this regulation makes sense and grape growers are committed to the safety of those who work in vineyards. Valley growers and workers experienced this problem first hand last year as smoke from the Camp Fire affected the area for several days.

But as with any regulatory proposal, it must be reviewed carefully and we must consider how the new regulation will be applied and enforced. There are two broad problems with the regulation as currently proposed: It is unclear when the worker is at risk of wildfire smoke exposure and the regulation kicks in; and it is unclear whether use of a N-95 mask would be voluntary and therefore not subject to fit-test and medical evaluation requirements.

Currently, the regulation asks employers to rely on several sources of information to determine the Air Quality Index (AQI) at the workplace. This includes information available by phone, e-mail,

apps, websites, etc. The AQI data must also be from the closest monitoring station. California Association of Winegrape Growers has recommended that growers rely on smoke advisories from regional Air Quality Management Districts. AQMDs routinely issue smoke advisories which provide information on the source of the smoke, the air quality for the area, and the areas that are subject to the smoke. Therefore, the AQMD advisory should be the trigger for when this regulation would be applied.

The second concern is relative to requirements for compliance. The regulation states that if the AQI is between 150 and 500, the grower must provide a N-95 mask to the worker. The regulation implies that use of the mask is voluntary.

The regulation also implies that a fit-test or medical evaluation is not required. However, by inadvertently referencing existing federal regulations, this emergency regulation could be read to explicitly require a fit-test or medical evaluation even though the use of the mask is voluntary. CAWG has asked that this be corrected. Clarity in this regulation is critical to make sure that workers are protected from wildfire smoke and that growers know what they need to do in such situations.



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# Make the Law Work For You: The Importance of Defining Your Workday and Workweek to Ease the Impact of AB 1066 Other California Laws

by Anthony C. Ocegüera, The Saqui Law Group, a Division of Dowling Aaron Incorporated

Agricultural employers face challenges not shared by other industries in California. At the top of the list is the fact that they operate seasonally. The maturation of fruits and vegetables are driven by a number of factors with the weather acting as the greatest factor. Consequently, the window for harvesting crops is extremely small. This is true for wine grape harvest. Wine grapes used for sparkling are harvested first in order to maintain lower sugar levels, followed by white and red wine grapes. All told, the harvesting window for wine grapes is approximately six to eight weeks, from approximately August to early-October, with some variation depending on location and varietal.

Because the harvesting window is so short and the demand for wine increasing each year, employers have no choice but to employ large harvesting crews working long hours six and even seven days a week in order to meet grueling harvesting demands. Although legislators and employee advocates often paint wine growers and other agricultural employers as overly demanding and unsympathetic to the burden placed on employees, ownership and management frequently work side-by-side with crew during harvest and are also working extremely long hours.

Historically, because of the unique nature of agricultural operations, employers received preferential treatment regarding

meal, rest and overtime requirements under both Federal and California law. However, influenced by employee rights' advocates, an increasingly hostile California legislature passed Assembly Bill ("AB") 1066 in 2016. Although the Bill stripped agricultural employers of a number of traditional exemptions (e.g., overtime exemption for irrigators and an exemption from the 7th Day rest requirement), its primary purpose was to phase-in stricter overtime obligations, with the end goal of having agricultural employee treated the same as office workers and subject to a five day a week, eight hour a day, and forty hour workweek. Luckily, the Legislature did give employers breathing room to prepare for these changes, delaying the start of the phase-in until the start of this year for larger employers (employers with 26 or more employees during the workweek). Larger growers and vineyard management companies are complying with the Bill's requirements, including the revised Industrial Welfare Commission Wage Order 14 governing the terms and conditions of agricultural employees, and ensuring that employees are being paid overtime if they work more than nine and a half hours in a day or fifty-five hours in a week.

Given the increasingly onerous obligations imposed by AB 1066, it is critical that growers and vineyard management companies take advantage of what limited

tools they are provided under the law. One such critical tool is the ability of employers to define their "workday" and "workweek." Under the law, a "workday" is defined as "any consecutive 24-hour period beginning at the same time each calendar day." Cal. Lab. Code. § 500(a); Cal. Code Regs., tit. 8, § 11140, subd. 2(R). A "workweek" is defined as "any seven consecutive days, starting with the same calendar day each week" and is a "fixed and regularly recurring period of 168 hours, seven consecutive 24-hour periods." Cal. Lab. Code. § 500(b); Cal. Code Regs., tit. 8, § 11140, subd. 2(S). Employers who utilize robust Employee Handbooks often have language that discuss and define the "workday" and "workweek" applicable to their employees. If the employer does not provide a definition of these terms, the Department of Labor Standards Enforcement, the government agency responsible for policing wage and hour laws in California, will use the calendar week, from 12:00 a.m. Sunday to midnight Saturday, which each workday ending at midnight (i.e., the workday runs from 12:01 a.m. – midnight). See DLSE Enforcement Policies and Interpretations Manual, § 48.1.3.1 (2017).

An employer can establish different work days for different shifts and employees – however, any changes to the work day cannot be designed to evade  
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## Make the Law Work for You *Continued from page 8*

overtime obligations. Id. at § 48.1.3. Daily overtime is due based on the hours worked in any given single workday. Overtime hours, which are determined on a daily basis and not a per shift basis, reset at the end of each workday regardless if an employee continues working into the next workday. Id. at § 48.1.3.1.

Growers and vineyard management companies can take advantage of the flexibility permitted under the law by defining their workweeks and workdays for different groups of workers to ensure that they do not run afoul of the law. For example, for irrigators or night harvesters who during the harvest season typically start work at 10:00 p.m. and work until 6:00 or 7:00 a.m. the following morning, it does not make sense for their “workday” to start at 12:01 a.m. Defining their workday as starting at between 4:00 p.m. and 8:00 p.m. may be optimal to avoid excessive overtime hours being worked within a single workday.

Employers who may be worried about the potential that overnight shifts or shifts crossing from one workday into another could create the potential of a split shift can breathe a sigh of relief that courts have held that a consecutive, uninterrupted overnight shift that begins on one workday and goes over into the next workday does not create a split shift. But smart employers should modify the definition of the workday in order to eliminate even the potential for such a claim to be raised.

Additionally, if there are circumstances where harvesting crews work night

shifts throughout the week, are scheduled off for Saturday, and then work Sunday morning, a specially tailored work day will ensure that employees are still getting a “workday” off. This will avoid potential application of the 7th day rest requirement which prohibits employers from causing employees to work seven consecutive workdays during the workweek. Labor Code §§ 551 and 552. Although the 7th day rest issue can potentially be avoided where employees volunteer (and are not pressured or coerced) to work on the 7th day, it is certainly preferable to avoid the application of the rule altogether by smartly scheduling your workforce according to your defined workday and workweek.

The fact of the matter is that with AB 1066, the California legislature has opted to try and fit a square peg into a round hole, regardless of the poor fit. Agricultural employers have no choice but to use every tool at their disposal to ensure that they are complying with the law but are also not making their already difficult lives even harder. Ensuring that they have definitions of “workdays” and “workweeks” that meet the needs of their operations is one way that they can ease the impact of increasingly hostile California laws.

## SJ County Ag Hall of Fame Seeks Nominees

The San Joaquin County Agricultural Hall of Fame is requesting nominations for outstanding agricultural leaders and mentors in our community. Now in its 35th year, the Agricultural Hall of Fame honors those individuals who have contributed to agriculture and to their community in significant ways. Each year, awards are given to at least three living recipients, as well as posthumous ones.

All those previously recognized in the San Joaquin Agricultural Hall of Fame have their photographs and biographies on display at the San Joaquin Historical Society & Museum in Micke Grove Park and in the lobby of the Robert J. Cabral Ag Center. They are also listed on the Stockton Chamber Website on the Ag Hall of Fame page.

Nomination forms are available from the Greater Stockton Chamber of Commerce website, and need to be submitted by 3:00pm, Friday, August 9, 2019 in order to be considered. For more information, please call Timm Quinn at (209) 292-8423 or visit the Stockton Chamber of Commerce website at [www.stocktonchamber.org](http://www.stocktonchamber.org)

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# Stay Out of the Heat: Understanding the Heat Illness Prevention Regulations

By Anna Genasci, AgSafe

As we soar into the summer months, so does the dial on the thermometer. It is important to understand not only the precautions to take to keep employees safe while working in the heat, but also the elements of compliance.

According to the Division of Occupational Safety and Health (Cal/OSHA), their most frequently cited violations in agriculture under the Heat Illness Prevention Standard are failure to have a heat illness prevention plan in the field, a lack of heat illness prevention training, and a failure to provide adequate shade and water. If that's the case, it begs the question of what exactly does the standard require?

## #1 Heat Illness Prevention Plan:

A company needs to have a written Heat Illness Prevention Plan with the following elements, and include specific details as to how you will ensure that the provisions are met: The designated person(s) that have the authority and responsibility for implementing the plan in the field; Procedures for providing sufficient water; Procedures for providing access to shade; High-heat procedures; Emergency response procedures (Don't forget your lone workers (e.g. irrigators)); Acclimatization methods and procedures.

When drafting your plan, it is important to consider the size of your crew, the length of the work day, the ambient temperatures, and any additional personal protective equipment (PPE) that contributes as an additional source of heat. The

plan needs to be in English and also the language understood by the majority of the employees. The plan must be located at the worksite and accessible to employees.

## #2 Heat Illness Prevention

**Training:** Employee training needs to be done before an employee begins a shift which could result in the risk of heat illness. Training should cover the following information:

- o The environmental and personal risk factors for heat illness, as well as the added burden of heat load on the body caused by exertion, clothing, and personal protective equipment.

- o The employer's procedures for complying with the plan's elements including the employer's responsibility to provide water, shade, cool-down rests, and access to first aid as well as the employees' right to exercise their rights.

- o The importance of frequent consumption of small quantities of water throughout the workday.

- o The concept, importance and methods of acclimatization.

- o The different types of heat illness, the common signs and symptoms of heat illness, and appropriate first aid and emergency responses to the different types of heat illness. In addition, that heat illness may progress quickly from mild symptoms to serious and life-threatening illness.

- o The importance to employees of immediately reporting to the employer, directly or through the employee's supervisor, signs or symptoms of heat illness experienced by themselves or their co-workers.



*The amount of shade present shall be at least enough to accommodate the number of employees on recovery or rest periods, so that they can sit in a normal posture fully in the shade without having to be in physical contact with each other."*

- o The employer's procedures for responding to signs or symptoms of possible heat illness, including how emergency medical services will be provided should they become necessary.

- o The employer's procedures for contacting emergency medical services, and when necessary transporting employees to a point where they can be reached by an emergency medical service provider.

- o The employer's procedures for ensuring that, in the event of an emergency, *Continued on page 11*

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## Heat *Continued from page 10*

clear and precise directions to the work site can and will be provided as needed to emergency responders. These procedures shall include designating a person to be available to ensure that emergency procedures are initiated when appropriate.

Supervisor training needs to be completed prior to supervising employees and include the following topics:

- o All of the topics covered during employee training.

- o The procedures the supervisor is to follow to implement the heat illness prevention plan procedures.

- o The protocol a supervisor is to follow when an employee exhibits signs or reports symptoms consistent with possible heat illness, including emergency response procedures.

- o How to monitor weather reports and how to respond to hot weather advisories.

### #3 Adequate Shade and Water:

Adequate shade means blockage of direct sunlight. One indicator that blockage is sufficient is when objects do not cast a shadow in the area of blocked sunlight. Shade is not adequate when heat in the area of shade defeats the purpose of shade, which is to allow the body to cool. For example, a car sitting in the sun does not provide acceptable shade to a person inside it, unless the car is running with air conditioning. Shade may be provided by any natural or artificial means that does not expose employees to unsafe or unhealthy conditions and that does not deter or discourage access or use. Shade needs to be available when the temper-

ature exceeds 80-degrees Fahrenheit. How do you know when temperatures hit 80 degrees? Cal/OSHA urges employers to not rely on your cell phone because it does not reflect the site-specific temperatures. The best practice is to invest in and use an outdoor thermometer daily.

The amount of shade present shall be at least enough to accommodate the number of employees on recovery or rest periods, so that they can sit in a normal posture fully in the shade without having to be in physical contact with each other. The shade shall be located as close as practicable to the areas where employees are working. Shade also needs to be available, even when the temperature does not exceed 80-degrees Fahrenheit, upon employee request.

Employees shall have access to potable drinking water. It must be fresh, pure, suitably cool, and provided to employees free of charge. The water shall be located as close as practicable to the areas where employees are working. Where drinking water is not plumbed or otherwise continuously supplied, it shall be provided in a sufficient quantity at the beginning of the work shift to provide one quart per employee per hour for drinking for the entire shift. Employers may begin the shift with smaller quantities of water if they have effective procedures for replenishment during the shift as needed to allow employees to drink one quart or more per hour.

**Indoor Heat Illness Prevention Standard Coming Our Way:** In 2016 the legislature passed and Governor Brown signed into Senate Bill 1167 which directed Cal/OSHA to propose a heat illness and injury prevention standard applicable to employees working in indoor places of employment. The agency developed a proposed standard and the language of the proposed standard has been open to several public comment periods.

In summary, the most current ver-

sion of the draft language addresses the issue of mitigating heat illness in indoor places of employment, including agriculture as follows: Applies to all indoor work areas regardless of industry when workers wear clothing that restricts heat removal and the temperatures equal or exceed 82 degrees Fahrenheit; Applies to all other indoor work areas not previously mentioned where temperatures equal or exceed 87-degrees Fahrenheit when employees are present.

Similar to the outdoor heat illness prevention standard: Provide fresh, pure, suitably cool water at no cost, located as close as practicable to employees; Maintain at least 1 cool-down area at all times with enough space to accommodate all employees on break, sitting in normal posture without touching one another. The cool-down area shall maintain a temperature of less than 82-degrees Fahrenheit; Provide appropriate first aid/emergency response if employee exhibits signs or symptoms of heat illness; Implement temperature assessment, documentation and control measures when temperatures equal or exceed 87 degrees Fahrenheit; Have a written Indoor Heat Illness Prevention Plan that includes appropriate emergency response procedures; Ensure close observation of employees during acclimatization; and Provide training for employees and supervisors prior to possible exposure.

To read the complete draft text and stay up-to-date on the process as it continues to unfold, visit <https://www.dir.ca.gov/dosh/doshreg/Heat-Illness-Prevention-Indoors/Draft-revisions-Jan-29-2019.pdf>

For more information about heat illness prevention, worker safety, human resources, labor relations, pesticide safety, or food safety issues, please visit [www.ag-safe.org](http://www.ag-safe.org), contact AgSafe at (209) 526-4400 or via email at [safeinfo@agsafe.org](mailto:safeinfo@agsafe.org).



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