

# GROWERTALKS

## SAF in the Lobby

8/1/2018

### USDA to Publish 2018 Floriculture Crops Report

*Society of American Florists*

A key government report that provides critical data on floral industry products will be published in 2018 after a two-year hiatus. The U.S. Department of Agriculture's recent announcement that it will produce the 2018 Floriculture Crops Report is a dramatic example of the power of SAF's voice on Capitol Hill.

SAF initiated a strategic advocacy campaign to resume the publication of the report, which included SAF members lobbying Congress to prioritize the report during SAF Congressional Action Days in March. The floriculture industry considers the Floriculture Crops Report to be the benchmark in identifying market trends and projecting sales opportunities. The report shows trends in domestic production and helps show year-to-year direction. In addition, the report is used in determining government agricultural policy, as well as providing data for academic studies.

The report is the only source of annual data on annual bedding and garden plants, potted herbaceous perennials, potted flowering plants for indoor and patio use, foliage plants for indoor or patio use, cut flowers, cut cultivated greens, and propagative floriculture materials.

Citing budget constraints, USDA decided it couldn't publish the report in 2016 and 2017, which deprived the floriculture industry of critical information it needs. While securing funds for the 2108 report is a major success, SAF will continue to lobby for funding the 2019 report and beyond.

The successful efforts of SAF and its members in securing the publication of the Floriculture Crops Report follows on the other major success of the Floriculture and Nursery Research Initiative, receiving \$1 million shortly after that issue was taken to Capitol Hill during CAD as well.

SAF welcomed other industry organizations in a coalition effort to secure publication of the 2018 report. The coalition included the American Society for Horticultural Science; AmericanHort; CalFlowers; the California Cut Flower Commission; the Florida Nursery, Growers and Landscape Association; and the Produce Marketing Association.

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## Trump Administration Issues Final Rule Allowing Association Health Plans

A rule that allows expanded Association Health Plans (AHPs) has been published by the Trump Administration. AHPs will allow small business owners to join together through trade and professional associations to purchase health insurance for themselves and their employees.

The creation of AHPs to provide additional options for employers in offering health care insurance to their employees has been a priority of SAF for many years. Currently, AHPs are severely limited. The Kaiser Family Foundation found that AHPs were only utilized by 6% of smaller companies in the country in 2017.

The rule seeks to expand the availability of AHPs and make health care insurance more affordable for small businesses. AHPs won't be required to comply with mandates imposed on insurance sold to individuals and small companies under the Affordable Care Act (ACA), thus lowering costs. The rule will be phased in beginning on September 1, 2018.

"By providing scale and access to a large-group market, [small businesses will get] coverage at a better price," Secretary of Labor Alex Acosta said. "This includes 400,000 Americans who are currently uninsured. [The] AHP [rule] will include safeguards, consumer protections and anti-discrimination protections similar to those applied to large businesses."

The Congressional Budget Office estimates that 4 million people, including 400,000 who otherwise would go without insurance, are expected to join association health care plans by 2023.

SAF began researching the feasibility of creating an AHP after President Trump issued his executive order in October of 2017 "Promoting Healthcare Choice and Competition Across the United States," which included the possibility that expanded AHPs might be allowed. SAF will continue to assess whether an AHP will be beneficial for its members as a health care insurance option.

Among other provisions, the rule will allow:

- Employers to form AHPs by city, county, state or multi-state metropolitan areas
- Employers to form nationwide AHPs for businesses in their specific industry
- Working small business owners without other employees, including sole proprietors and their families, to join AHPs

The rule retains consumer protections that apply to large businesses and will also apply them to AHPs. AHPs will not be able to deny coverage or charge higher premiums to people with a pre-existing health condition or cancel coverage because an employee becomes ill.

The Department of Labor has posted information about AHPs, including frequently asked questions, at: <https://www.dol.gov/general/topic/association-health-plans>.

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## **SAF Opposes Card Check 2.0**

SAF in late June signed onto a letter opposing the "Workplace Democracy Act" (WDA), the most recent iteration of the "Employee Free Choice Act (EFCA)." In 2006, SAF was an original member of a coalition that led the successful fight against ECFA, also known as "Card Check."

Among other things, EFCA would have replaced a worker's right to a federally supervised private ballot election and replaced it with a process called "card check" where workers are forced to choose in public their preference for workplace representation.

It also would have allowed government-appointed mediators to impose contracts and working conditions on workers and employers if the employer didn't agree to union demands without workers being able to approve those conditions.

WDA not only contains the card check and arbitration provisions like EFCA, but also would codify the joint employer standard, which would hold businesses accountable for the actions of companies with which they contract even though the business had no direct knowledge or control of the contracted company. It would also abolish Right to Work protections nationwide, codify the Persuader rule, which would have hampered employers in union elections, make it much harder for people to work as independent contractors and eliminate any restrictions on unions targeting consumers and neutral companies (i.e., those not directly involved in the labor dispute).

No action has been scheduled for WDA in either the House or Senate, nor is it likely any will be while the chambers remain under Republican leadership. Some speculate the bills were introduced in anticipation of the November mid-term elections and the possibility that Democrats may take control of one or both bodies. **GT**

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*"SAF in the Lobby" is produced by the Society of American Florists, [www.safnow.org](http://www.safnow.org). For more information on legislative issues, contact the Government Relations Department.*