

GROWERTALKS

JZ on D.C.

4/1/2024

AmericanHort Shifts & Expands Advocacy Team

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In February, AmericanHort announced some changes to its advocacy team. **Matt Mika** is now VP of Advocacy and Government Affairs, assuming the leadership of the organization's Washington, D.C.-based advocacy team, transitioning that role from long time industry advocate Craig Regelbrugge.

Craig will continue in an executive advisory role with AmericanHort, supporting its advocacy and research team, but primarily focusing on phytosanitary/plant health and trade issues.

"Craig's contributions to our industry cannot be overstated and we appreciate Craig's legacy of contribution to the industry," said AmericanHort President & CEO Ken Fisher. "We are pleased to retain him in a role that utilizes his significant industry and association knowledge."



Matt joined AmericanHort in June 2023 with valuable experience and relationships in D.C., having worked for elected officials, agriculture trade associations and companies like Tyson where he was director of their D.C. advocacy program. Matt spent the past six months traveling the industry, attending industry events, meeting AmericanHort's members and learning more about our industry.

Rachel Pick has also joined AmericanHort as Senior Manager for Advocacy & Government Affairs, reporting to Matt in the Washington, D.C. office. Rachel has significant experience in agricultural policy and government affairs, serving under Senator Chuck Grassley (R-IA), on staff at the U.S. Department of Agriculture (USDA) during Agriculture Secretary Sonny Perdue's tenure, worked with the Senate Sergeant of Arms and most recently in a leadership role with U.S. Farmers & Ranchers in Action.

"Our industry advocacy is more important than ever given the rapidly changing legislative and regulatory environment and election year politics affecting our industry," said Ken. "AmericanHort is committed to continue to develop our advocacy capability to defend and enhance the business environment for our members. We are excited about the direction of the AmericanHort advocacy capability and our ability to continue to serve the industry."

—JZ

USDA Expands Insurance Option for Nursery Growers

USDA's Risk Management Agency (RMA) is expanding the Nursery Value Select (NVS) crop insurance program to all counties in all states, offering nursery producers tailored coverage options.

NVS allows producers to select coverage amounts suited to their risk management needs. NVS has been operating as a limited pilot, with the encouragement of AmericanHort and state industry association partners like the Florida Nursery, Growers and Landscape Association. (A goal of association supporters was a less-burdensome application process.)

According to USDA, the resulting NVS offers improved coverage compared to the Nursery Field Grown and Container program, covering field-grown and containerized nursery plants with coverage levels between catastrophic and 75%. Previously available in select counties in nine states, NVS will now be accessible nationwide starting with the 2025 crop year. The sales closing date for 2025 is May 1, 2024, or September 1, 2024.

Since its introduction in the 2021 crop year, NVS has insured over \$460 million in liabilities in the 2023 crop year. Crop insurance is available through private crop insurance agents, and more information can be found at rma.usda.gov or by contacting RMA Regional Offices.

—Source: AmericanHort's Capitol Wire newsletter

Notice of Corporate Transparency Act

Recent legislation has been enacted that could have implications for your business. Specifically, the Corporate Transparency Act (CTA), which came into effect on January 1, 2024, may affect you. This legislation requires corporations, LLCs, limited partnerships and entities created by a filing with a Secretary of State in any state to file with the Financial Crimes Enforcement Network (FinCEN).

The CTA is a measure to prevent tax fraud, money laundering and financial terrorism. Compliance is not optional. Penalties for non-compliance can include civil penalties of up to \$500 per day of violation and criminal penalties of up to \$10,000 in fines and/or imprisonment for up to two years.

We encourage AmericanHort members to review [the CTA background document](#) for more information and contact their financial or legal counsel for guidance. (The information provided by AmericanHort is for general understanding and does not, and is not intended to, constitute legal or accounting advice.)

Congress is proposing legislation to extend the deadline for companies to report ownership information to FinCEN. If you would like to ask your Senator to support this bill, you can complete the form provided by AmericanHort affinity partner Pinion [HERE](#).

Reach out to Matt Mika at MattM@AmericanHort.org or (202) 789-2900 if you have any questions.

—Source: AmericanHort's Capitol Wire newsletter

DOL Releases Meal Charges & Reimbursements for H-2A & H-2B

Department of Labor's (DOL) Employment and Training Administration (ETA) released an annual update on allowable charges for temporary workers' meals and travel subsistence reimbursement, including lodging. The notice also reminds H-2A and H-2B employers of their ongoing responsibility to cover certain lodging and travel

expenses for workers traveling to and from their respective locations.

Employers must provide U.S. and H-2A workers with three meals a day or offer free cooking facilities for self-prepared meals. If the employer is going to provide the meals to the workers, the job offer must state the charge, if any, to the worker for such meals. The maximum meal charge is \$15.88 per day until the DOL publishes a new amount.

Employers must state the minimum and maximum daily subsistence amounts for U.S. and H-2A workers in their job offers. For workers who complete 50% of the work contract period, they must provide pay in advance or reimburse expenses. If the worker completes the contract or is terminated without cause, they must pay for expenses incurred traveling back to their original workplace.

H-2B employers must also cover transportation and daily subsistence costs between the employer and the worker's place of employment. The minimum daily subsistence amount is \$15.88 per day.

As per the regulations, the daily allowance for subsistence that a worker is entitled to must be at least equal to the meal charge that the worker is permitted to receive while working for the employer.

The General Services Administration publishes the standard rate for the Continental United States, which covers meals and incidental costs. This rate is the maximum amount per day.

If an employee completes 50% of the work contract time, the employer is covered for the costs of transportation to the worksite; however, unapproved detours or superfluous expenses are not the employer's responsibility.

—Frida Mendez, DCLRS

Members Meet With Their Reps

Dr. Mark Yelanich of Metrolina Greenhouses, Kurt Becker of Dramm Corporation and Laurie Flanagan of DCLRS met virtually with EPA staff to address concerns about the impact EPA's Application Exclusion Zone (AEZ) rule has on nursery operations.

Under the current rule, some nurseries may be required to clear out all personnel during the application of pesticides, essentially shutting down operations for a period of time. EPA was not aware of this unintended consequence and would like to continue to meet as we search for a solution.

North Carolina-based AmericanHort members Ariel Montanez of Pender Nursery and Gary Whitehurst of Worthington Farms, Inc., and AmericanHort's Matt Mika met with Nathaniel Dullea, agricultural staffer for Rep. Don Davis (D-NC-01), to discuss workforce needs, the Adverse Effect Wage Rate and the H-2A program.

The virtual meeting occurred as the House Agriculture Committee-Agricultural Labor Working Group continues to finalize constructive solutions for H-2A, and agricultural and seasonal worker needs.

—Source: AmericanHort's Capitol Wire newsletter

News, views, commentary and event coverage about the policies and legislation that directly affect our industry. Share your thoughts, opinions and news with me: jzurko@ballpublishing.com.