GROWERTALKS

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Legislative Effort Seeks to Reverse H-2A Wage Rule

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As previously reported, on February 28, 2023, the Department of Labor (DOL) amended its regulations concerning the determination of required wages for H-2A workers and any U.S. workers performing duties in common. Consequently, employers who engage H-2A workers for specialized duties like truck driving and on-farm construction may experience significant wage increases. The new rule has been in effect since March 30.

As a refresher, under the new adverse effect wage rates (AEWR) rule, specialized job duties may trigger higher AEWRs. These AEWRs may, in some cases, be much higher than the standard wage rates and they would apply to all workers employed under the job order, including any U.S. workers considered to be in corresponding employment, regardless of their specific job responsibilities.

There's an effort by congressional leaders to introduce a resolution of disapproval of this new rule under the Congressional Review Act (CRA). If the CRA joint resolution of disapproval is passed by both Chambers of Congress and signed by President Biden, the AEWR final rule would go out of effect immediately. The CRA will be introduced by Sens. Tim Scott (R-SC) and Ted Budd (R-NC), and Reps. Ralph Norman (R-SC) and G.T. Thompson (R-PA).

AmericanHort members can join hort advocacy leaders to express their support for the AEWR rule CRA resolution of disapproval by contacting their members of Congress from this link: takeaction.americanhort.org/landing-pages/aewrcrasolution.

—Sara Neagu-Reed, Director, Advocacy & Government Affairs, AmericanHort

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U.S. Judge Blocks Biden Administration's Waters of the U.S. Rule in 24 States

A federal judge in North Dakota temporarily blocked implementation of the Biden administration's redefinition of "Waters of the U.S." (WOTUS) in 24 states.

The injunction stops the EPA and Army Corps of Engineers from enforcing the newly revised definition in the following states: North Dakota, Alabama, Alaska, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Louisiana,

Mississippi, Missouri, Montana, Nebraska, New Hampshire, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, Virginia, West Virginia and Wyoming.

The definition of WOTUS is critical to determining waters subject to regulation under the Clean Water Act. The latest version of the rule went into effect March 20, 2023, however, a separate judge in Texas also issued an injunction to stop the rule from going into effect in the state. Looming over everything is an expected decision from the U.S. Supreme Court in Sackett vs. EPA. The case is expected to directly impact how WOTUS are defined. Those potentially affected will not likely have much clarity on how EPA plans to proceed until the Sackett case is decided.

—Sara Neagu-Reed

Urge Congress to Restore Research & Development Tax Provisions

The Tax Cuts and Jobs Act of 2017 requires R&D expenditures to be capitalized and amortized over five years instead of being deducted in the year incurred, starting January 1, 2022. This change significantly impacts businesses that invest in research and development to enhance their products or processes. The increased tax liability caused by this tax law change hinders reinvestment that drives innovation and supports local economies.

On March 16, a bipartisan group of Senators introduced the American Innovation & Jobs Act, allowing businesses to choose between expensing R&D expenditures or capitalization, whichever is better for their business, retroactive to 2022.

AmericanHort strongly encourages you to send a personalized letter to Congress today, highlighting the importance of R&D expensing and urging their support for the American Innovation & Jobs Act. To access a pre-written letter that will be sent directly to your representatives, go to takeaction.americanhort.org/landing-pages/restore-rd-tax-provisions.

—Sara Neagu-Reed



Senator Chuck Grassley Visits Plantpeddler

The folks at Plantpeddler in Cresco, Iowa, sent us a note about the visit they had from one of their senators, Chuck Grassley (R-IA) in April. Sen. Chuck Grassley got to tour the greenhouse facility and held a town hall meeting, which is part of his yearly 99 County Tour. Sen. Grassley has made Plantpeddler a regular stop since 1995 and enjoys catching up on the business, and more importantly, the state of the greenhouse industry. After the tour, he engaged with the Plantpeddler team to answer questions and discuss current issues on a wide range of topics.

—JZ

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.