

# GROWERTALKS

JZ on D.C.

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## Update on Additional H-2B Visas

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### Update on Additional H-2B Visas

*(Below is information directly from Craig Regelbrugge, with a few edits to reflect the appropriate timeframe.—JZ)*

On March 29, the Department of Homeland Security (DHS) announced that it planned to release an additional 30,000 H-2B visas. The Fiscal 2019 Consolidated Appropriations Act authorized Congress to release up to 69,320 additional visas.

The DHS and Department of Labor (DOL) officially released a rule on May 8 that kicked off an application process for an additional 30,000 H-2B visas for fiscal 2019. These visas are limited to returning workers who received H-2B visas in one or more of the previous three fiscal years (2016, 2017 or 2018).

Beginning May 8, employers with a valid DOL temporary labor certification for a start date of April 1 were able to apply directly to the DHS-U.S. Citizenship and Immigration Services (USCIS) without re-advertising or going back through the DOL process, provided that their visa petitions were submitted to USCIS before the expiration of their labor certification, which was May 14. If employers were unable to submit the proper documentation before the May 14 deadline, they had to start the process over again, re-advertising jobs and filing a new application for labor certification with the DOL.

Along with new certification, employers also need to submit an attestation form affirming that without H-2B workers the employer will suffer “irreparable harm” or permanent and severe financial loss. The attestation form is available from the DOL at: [www.foreignlaborcert.doleta.gov/form.cfm](http://www.foreignlaborcert.doleta.gov/form.cfm).

You can view a pre-publication copy of the rule at: <https://tinyurl.com/H-2BVisas>.

According to Craig, it’s possible that, if all 30,000 visas are being used, at least half or 2/3 will likely be for the landscape sector, “so this is significant,” he said.

In late April, AmericanHort and the H-2B Workforce Coalition sent a letter to President Trump urging the Administration to release the final rule and the associated visas as expeditiously as possible. On April 22, the DHS sent a final rule to the White House Office of Management and Budget for review, which is the final stage in the rulemaking process before a regulation can be finalized and published in the Federal Register.

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## SAF Coordinates with Lawmakers' Offices on Research Funding, Statistics

Weeks after dozens of growers, wholesalers, suppliers and retailers traveled to Washington, D.C., for the SAF's Congressional Action Days (CAD), lawmakers are giving heightened attention to key industry issues, thanks to the ongoing efforts of SAF and its members.

Since the mid-March event, SAF has coordinated with 21 congressional offices on follow-up requests for more information on the Floriculture and Nursery Research Initiative (FNRI), and the Floriculture Crops Summary. During CAD, SAF members met with lawmakers and staff to explain the value of FNRI research and statistical reporting to the industry.

Within days of CAD, SAF began fielding inquiries from lawmakers' offices for more information on FNRI and the report. SAF staff also reached out directly to specific staff to keep the momentum generated from the visits going.

The CAD funding requests this year—to support FNRI and the renewed publication of the Floriculture Crops Summary—came on the heels of significant successes last year, when SAF members successfully pitched lawmakers on increased funding for the efforts. (FNRI had seen its funding eroded by inflation and budget cuts and the crops report, which provides important information on the overall industry, was not published for several years due to budgetary constraints.)

—Mary Westbrook, editor of SAF's *Floral Management* magazine



## AmericanHort Participates in Virginia Congressional Visit

On April 26, Congresswoman Abigail Spanberger (D-VA) visited AmericanHort premium member Battlefield Farms in Rapidan, Virginia. Ms. Spanberger, a newly-elected member of Congress who also sits on the House Committee on Agriculture, spent over two hours touring the facility and discussing priority issues.

The AmericanHort advocacy team had worked with Battlefield Farms to coordinate the visit and joined in the discussion, sharing with Rep. Spanberger industry perspectives on several critical priorities, including agricultural labor reform and transportation.

Congressional visits are extremely valuable—giving our nation's lawmakers and their staff direct exposure to our industry while emphasizing the critical economic contributions our industry makes in communities nationwide. Be on the lookout for more updates on Congressional visits as the year progresses. —Tal Coley & Craig Regelbrugge

*Pictured: Anthony Van Hoven tours Congress-woman Abigail Spanberger through Battlefield Farms' Photo courtesy of AmericanHort. greenhouses.*

## Social Security Administration Resumes “No-Match” Letters

The Social Security Administration (SSA), beginning in April 2019, has resumed sending “Employer Correction

Request” letters, also known as “no-match letters,” to every employer that has at least one Social Security no-match, meaning that names or Social Security numbers (SSNs) listed on an employer’s Form W-2 do not match SSA’s records.

The letters now being received by employers are somewhat different than the versions sent during the Bush administration and later discontinued during the Obama administration. Notably, they don’t include actual employee names or numbers. Instead, they suggest that an employer can create a login and check SSNs via the Business Services Online (BSO) web portal to get specific employee names. However, we believe an employer isn’t legally obligated to do so. AmericanHort also suggests the letters not be ignored, and has legal guidance for growers to consider.

To help our members understand their obligations and avoid pitfalls, AmericanHort has posted updated compliance guidance in the Knowledge Center. Also, AmericanHort premium members with compliance questions may contact our labor and employment law counsel at CJ-Lake as a membership benefit. If you have questions about contacting our legal team at CJ-Lake, call AmericanHort headquarters at (614) 487-1117.

—Craig Regelbrugge



## **AmericanHort Announces New Director of Advocacy and Policy Communications**

AmericanHort has hired Tristan Daedalus to a new position on its Industry Advocacy & Research team as the Director of Advocacy and Political Communications. Tristan will be working with the advocacy team to help advance the organization’s policy positions and its presence in Washington, D.C., and will be actively involved in the Impact Washington Summit this September. Tristan previously served in the House of Representatives and several non-profits in Washington. He has a background in agricultural policy, having most recently represented family forest owners on Capitol Hill. Tristan can be reached at [TristanD@AmericanHort.org](mailto:TristanD@AmericanHort.org).