

GROWERTALKS

JZ on D.C.

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AmericanHort's Capitol Hill Priorities

During Cultivate'19, AmericanHort's government relations team made sure that show attendees were updated on their current efforts when representing us in Washington.

VP of Government Relations and Research Craig Regelbrugge was one of the keynote speakers, focusing his talk on the state of our industry with regard to the legislative challenges growers and retailers are facing, including labor and trucking.

Tal Coley, AmericanHort's Director of Government Affairs, held a session that went into a bit more detail on those two issues, which are part of the organization's legislative and policy agenda, along with crop protection and environmental regulation.

Legislative issues AmericanHort is working on right now include:

- The H-2A modernization initiative (see below) and a permanent fix to the H-2B cap
- Providing the latest updates on glyphosate and the new mitigations on neonicotinoids from EPA
- Working to get the Ag Trucking Relief Act bills passed through the House and the Senate
- Along the same lines, the Federal Motor Carrier Safety Administration's (FMCSA) new flexibility rule on Hours of Service (as of press time, they hadn't announced it yet)

Tal also mentioned some of the new things AmericanHort will be implementing to get their advocacy news out, including text messaging (which a lot of political campaigns do, too). They promoted their bi-annual Impact Washington Summit being held this month (full coverage on that event will be in a future issue) to make it easier for you to see your representatives in person.

"We can't stress enough how important it is to get involved and have your voice heard," Tal said. "Those touches are so important for our industry."

EPA Issues Final Order on Chlorpyrifos

Meeting the July 18 deadline set by the Court of Appeals for the Ninth Circuit, the Environmental Protection Agency (EPA) announced a decision against a ban of chlorpyrifos, citing insufficient evidence to warrant discontinuation of

the product.

Agricultural uses of chlorpyrifos have been challenged in the U.S. court system since 2007, several years following the removal of the pesticide from household uses. The latest petition to ban chlorpyrifos was filed by the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) to cancel all uses.

"EPA has determined that their objections must be denied because the data available are not sufficiently valid, complete or reliable to meet petitioners' burden to present evidence demonstrating that the tolerances are not safe," the agency said in a statement.

EPA will continue its ongoing review of chlorpyrifos and make its determination by 2022 or possibly sooner and has been working with registrants on label changes and restrictions to better stewardship. The case will likely continue, as PANNA and NRDC will likely challenge this Order.

—*Dr. Jill Calabro, Research and Science Programs Director, AmericanHort*

Industry **ADVOCATES:** AmericanHort

Long-Awaited H-2A Modernization Proposal Unveiled

The Department of Labor (DOL) has posted on its website a copy of the long-awaited H-2A modernization proposed rule. The official version appeared in the Federal Register in July.

The rulemaking intends to streamline the process by which DOL reviews employers' applications for temporary agricultural labor certifications. Proposed changes to current regulations focus on modernizing the H-2A program and eliminating inefficiencies. Some proposed changes would:

- Make it easier for employers to modify an approved job order, subject to limitations
- Allow employers to "stagger" entry of workers during the first 120 days of a contract
- Limit the so-called "50% rule" under which an employer must continue to hire any willing and qualified domestic workers who apply during the first half of the contract—the hiring rule would be limited to 30 days after the start of the contract or the full length of the "staggered entry" period if longer than 30 days

The proposal would not change the existing housing requirement. It also features a lengthy discussion on H-2A wages and invites comment on that, as well as a number of other important issues. AmericanHort is closely studying the proposal and will develop official comments in close collaboration with other interested employer stakeholders. The public comment period runs until September 24, 2019.

—*Craig Regelbrugge, VP of Government Relations & Research, AmericanHort*

House Votes to Raise Minimum Wage

On July 18, the U.S. House of Representatives voted to raise the \$7.25 federal minimum wage to \$15 per hour by 2025. The bill would increase the minimum wage in steps until it reaches the \$15 level. After that, the wage floor would be indexed according to growth in median wages. According to the Congressional Budget Office, the bill would likely raise wages for about 17 million people, but may result in the loss of 1.3 million jobs. Twenty-nine states have minimum wages higher than the federal.

Where will the bill go from here? Probably nowhere anytime soon. The Senate has no plans to take up a minimum

wage increase bill.

—Craig Regelbrugge



Congressional Staffers Pay Visit to Cultivate'19

AmericanHort hosted a number of Congressional staffers at Cultivate'19 in mid-July, where they heard directly from industry leaders on pressing issues while viewing the latest plant breeding and technological advances in our industry. Cultivate provides a unique experience for federal and state lawmakers, showcasing our industry and the prosperity it provides.

Professional staff of Senators Rob Portman (R-OH) and Sherrod Brown (D-OH), as well as Rep. Troy

Balderson (R-OH) all paid a visit on July 15, with most attending the State of the Industry briefing followed by a guided tour of the showroom floor. Issues discussed centered around transportation regulation, labor and workforce needs, and the importance of expanded vocational training in our industry.

—Craig Regelbrugge

Pictured: Tom Demaline (far right) and other Willoway Nurseries team members met with staffers from Sen. Rob Portman and Rep. Troy Balderson's offices.