

# GROWERTALKS

JZ on D.C.

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## Making an Impact in Washington

*Jennifer Zurko*

In mid-September, 100-plus greenhouse owners and other industry pros traveled to Washington, D.C., for AmericanHort's Impact Washington event.

If I were to choose a "theme" for the event, it would be "frustration." Not with the event—that was great (more on the speaker lineup in a bit)—but with our governing representatives. The majority of the frustration was focused on the problems with our current guestworker problems (H-2A, mostly) and the lack of movement on immigration reform as a whole, and the omission of horticulture products in the agriculture exemption for the new trucking regulations. These two issues, along with funding requests for research, were our three "asks" when we went to the Hill to visit our senators and House reps.

In his opening remarks, AmericanHort's President and CEO Ken Fisher said, "Advocacy is becoming more important in our industry, so we're trying to expand in our advocacy efforts."



### **A stellar speaker lineup**

First, we were lucky enough to hear from speakers who are personally involved with some of the issues that touch our industry—including some government VIPs.

Secretary of Agriculture Sonny Perdue stopped by to discuss the department's stance on some of our industry's challenges, including workforce development, transportation issues, addressing regulatory burdens,

and the future of research and technology.

Current EPA Administrator Andrew Wheeler walked through the door right after the secretary for a quick Q&A session on environmental regulations. Mr. Wheeler discussed the Clean Water Act—specifically revisions to the federal definition of Waters of the United States (WOTUS)—and federal permitting requirements.

*Above left: President of The Libre Initiative Daniel Garza tells his story of growing up working in the fields of Nebraska and Washington farms as part of a migrant family from Mexico.*

*Above right: Secretary of Agriculture Sonny Perdue stopped by the Impact Washington event to speak to attendees.*

Another event guest was Congressman Kurt Schrader (D-OR), a former farmer and veterinarian, who's one of the co-sponsors of the Agricultural Trucking Relief Act to include horticulture and floriculture as "agricultural

commodities,” so the team at AmericanHort is very familiar with him. Mr. Schrader offered some advice when pitching the issues to his colleagues.

“Tell them what’s really going on,” he explained. “How you treat your workers and what you do for them. That you don’t ‘force’ them to work for you.”

The congressman admitted that the labor issue has now become an “ideological debate,” meaning that people don’t delve enough to educate themselves beyond the top-tier ideas. This means that the focus is taken off of the employer and the worker, he said.

Still, Mr. Schrader feels that “the time is right to get immigration done,” and he encouraged attendees to put pressure on their representatives.

Congresswoman Stacey Plaskett (D-VI) represents the Virgin Islands—which, as a U.S. territory, cannot vote during presidential elections—but she still represents over 107,000 people and chairs the Committee on Biotechnology, Horticulture & Research. Ms. Plaskett was an instrumental part of crafting the last Farm Bill and is currently working on garnering more funding for the IR-4 program on pest management research.

One message that all of the members on her committee strive toward is investing in the ag sector in a bipartisan manner, she said. Ms. Plaskett also offered some tips on telling your story to policy makers.

“Give concrete examples,” she said. “Many times, those of us on the Hill are only working on theory.”

### **“A strong and prosperous America”**

Besides AmericanHort’s amazing feat of getting the Secretary of Agriculture AND the EPA Administrator to speak to the group, the person who resonated the most was Daniel Garza, president of The Libre Initiative.

Growing up migrating with his family from Nuevo León, Mexico, to work on farms in Nebraska and Washington, Mr. Garza personally understands what life is like for seasonal Hispanic agricultural workers. He worked in the fields alongside his father and brothers until he was 19, quitting school at 17 to work full time. He eventually completed his education, which allowed him to move his way up from being in law enforcement to serving in local government. He worked in Congress, which earned him a position in the Interior Department in the George W. Bush Administration.



*Above left: Congressman Rodney Davis (R-IL) stepped out of a committee meeting to say hello to some of the delegates from Illinois. From left to right: Joe Hobson (Midwest Trading); Hans Bramming (Midwest Groundcovers); Mike Klopmeier (Ball Horticultural Company); Congressman Davis; Ann Tosovsky (Home Nursery); Charlie Knudsen (Midwest Groundcovers).*

*Above right: Pitching their “asks” to Congressman Mike Bost’s office. From left to right: Amy Morris (N.G. Heimos Greenhouse); Legislative Aide Noah Yantis; Mike Klopmeier; Ann Tosovsky; Charlie Knudsen.*

Eight years ago, Mr. Garza founded The Libre Initiative, a non-profit, non-partisan organization that educates people in the Hispanic community about the opportunities available to them to be economically independent and fully immersed in their local communities. There are many barriers for Hispanics, especially those not born here—only 33% have their high school degree and only 50% have a driver's license, he said. Access to improve their personal and professional situations is not equal. Mr. Garza's organization found that 90% of Latinos actually fail their driver's test, mostly because many don't know enough English to understand the test. Those who participate in the programs through The Libre Initiative have access to GED and English classes, and about 85% of them pass their driver's test.

"When Latinos learn English, the opportunities available to them triples," he explained.

Because Mr. Garza was a migrant worker himself and through his Hispanic-focused organization, the growers in the room had a sympathetic ear. He understands the need for a better system to help ag and hort businesses, but also keeps the workers' best interests in the forefront at the same time. The current systems and laws hinder—they don't help anyone.

"They are trying to impose laws that are too hard to enforce and follow," Mr. Garza stated. "Immigration is good, but the law is bad." He gave a good example of a bad law that was doomed to be impossible to enforce from the start: prohibition.

Most of the immigrants who come here are violating the law for want of opportunity, said Mr. Garza. "Yes, there are bad people, but that doesn't mean we should keep them all out."

One grower was very candid in the question he posed to Mr. Garza: "Some people think that the people who've been working for me 20, 30 years are criminals. And they think that I'm a criminal, too. What can be done?"

Mr. Garza agreed and admitted that there's still so much work to do. But he stressed the importance of being vocal, telling your story and your employees' stories, and working with both sides of the aisle.

"I always tell people that in order to have a strong and prosperous America, we need a strong and prosperous Latino community. Agriculture needs Latinos and Latinos need you."

## Legislative Agenda at Impact Washington

- Workforce: Labor solutions, including improvements to the H-2A program and cap relief for H-2B
- Transportation: Inclusion of nursery and greenhouse crops under the agricultural exemption
- Research: Continue funding the Floriculture & Nursery Research Initiative and the Specialty Crop Research Initiative, and request an additional \$8 million for the IR-4 program

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## Final Rule Eliminates Wasteful H-2A Print Ads

On September 20, the Department of Labor (DOL) published a new rule addressing a key concern raised for years by AmericanHort H-2A employers. For decades, DOL has required that agricultural employers looking to hire H-2A workers must run costly print newspaper ads in an effort to recruit interested U.S. applicants. The Department now acknowledges what growers have been telling them for years—these advertisements simply do not result in

applications from potential U.S. workers. AmericanHort had raised this issue to the Administration as an area for streamlining and efficiency in the H-2A program.

In response to these concerns, the Department of Labor has agreed to remove the newspaper advertising requirement entirely. While they had originally proposed to require agricultural employers to post jobs online themselves, the industry submitted comments pointing out concerns with that proposal, and the final rule dropped that requirement as well. Instead, job openings will continue to be posted by the Department itself on their [SeasonalJobs.dol.gov](https://www.dol.gov/seasonaljobs) website.

During the Impact Washington Summit, we pressed Congress and Administration officials for further relief. We're hopeful that the spirit of modernization and flexibility evidenced in the advertising rule will continue in the Department's rewrite of the overarching H-2A program rules and that the ongoing House legislative negotiations on agricultural workers will bear fruit in addressing many of our members' concerns regarding access to a reliable agricultural workforce.

—Chris Schulte, CJ Lake LLC

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## H-2B Cap Fate Tied to FY2020 Government Spending Solution

In September, the House and Senate passed a temporary spending measure to fund the federal government through November 21.

Senate Democrats and Republicans, however, remain deeply divided over many appropriations bills, making it more likely that Congress will pass a second year-long continuing resolution later this fall to fund at least some government agencies. The Department of Homeland Security (DHS) and Labor (DOL) spending bills are among the most controversial due to policy debates around funding a border wall and abortion limits.

The House passed its version of the Fiscal 2020 DOL funding bill during the summer. The bill would allocate H-2B visas proportionally on a quarterly basis. The House Appropriations Committee passed the Fiscal 2020 DHS funding over the summer, but the full chamber has not brought the bill to the floor due to disagreements over border wall funding and other immigration issues. The bill would include language similar to last year's language that allowed DHS to release some additional H-2B visas, but it takes away some of DHS' discretion by changing the word "may" to "shall."

Senate Appropriations Subcommittee Chairman Roy Blunt (R-MO) released his version of the DOL funding bill earlier this week, but that bill isn't expected to move anytime soon. It continues the previous regulatory relief provisions that prevent DOL from enforcing the corresponding employment and 3/4 guarantee provisions of the 2015 regulations, allows for a 10-month season, allows for the use of private wage surveys, and provides for staggered crossing for seafood workers.

The Senate Appropriations Committee has not yet released its version of the DHS funding bill. AmericanHort members and state association partners lobbied this issue hard during the Impact Washington Summit, and report generally good receptivity to our concerns and our ask for cap relief. We're following the appropriations process closely and continuing to advocate for H-2B cap relief to be included in any final spending bill.

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