

# GROWERTALKS

JZ on D.C.

1/1/2021

## Legislative Priorities for AmericanHort and the Industry

*Jennifer Zurko*

Now that the election is over and there will be a change in administration, I wanted to get a quick idea of how this affects AmericanHort's Government Affairs team in their approach to our industry's legislative goals. So I sent Craig Regelbrugge, the organization's Senior VP of Government Relations, three quick questions to get his thoughts on what he's expecting as we go into 2021.

**JZ: How do you think the election results will affect our industry? Now that there will be a new administration, what do you expect will change with regard to policies?**

**CR:** Though the election won't be a totally settled matter until after the U.S. Senate Georgia runoffs on January 5, both chambers of Congress will have very, very narrow margins of party control. If the GOP holds the Senate, we'll undoubtedly see a backstop against "extreme" nominations for key Cabinet and White House posts. And a check-and-balance on extreme legislation. Whether this means gridlock or sensible progress, only time will tell. Senate/White House dynamics will determine what can pass. [Joe] Biden himself is a centrist, but there will be "progressive wing" pressure for executive and agency actions on issues ranging from immigration and labor policy to climate change.

**JZ: Will AmericanHort's legislative focus change much or will it be more of a change in approach?**

**CR:** 2020 was an unusual year, to put it mildly. COVID-19 took center stage, as did our efforts to keep horticulture businesses open, get our growers eligible for pandemic relief, assist with Paycheck Protection Program (PPP) participation and compliance. While there may be early action around relaxing PPP forgiveness, for instance, most pandemic-related work on our part should be winding down as attention shifts to vaccine deployment. We also got the "hort-is-ag" trucking definition challenge fixed in the waning days of 2020, so that's off the to-do list. (See on next page.)

Back to the top of the priority list is workforce, and visa relief and reform. Legislative progress is possible, starting with House action to pass (for the second time) the Farm Workforce Modernization Act and then a focus on what the Senate might do. Also, we've got a new H-2A wage rule and are expecting other program rule changes before Inauguration Day. These rules may be subject to legal challenges or may be superseded by new regulations in the months ahead, so some choppy waters for program users are likely. And we'll be supporting restoration of seasonal worker visas for the landscape industry.

Climate change will come to center stage at some point, likely presenting us with threats and opportunities. Trees,

shrubs, flowers and plants, green infrastructure, reforestation ... we all see our industry as contributing to solutions. But, ultimately, there will be thorny questions around how carbon might be regulated or taxed, for instance. Again, a narrowly divided Congress will not move sweeping proposals like the so-called "Green New Deal."

**JZ: Since the coronavirus pandemic will be the main, immediate focus of the new administration, will there be a waiting period before we can work on moving our legislative agenda forward?**

**CR:** We do expect an enormous amount of bandwidth in Congress and the Biden Administration to be taken up by pandemic response, vaccine deployment, etc. But I believe we'll see early opportunities to engage the legislative and executive branch initiatives on some of our priorities. Frankly, the job of educating new Members of Congress and building support begins on "Day 1" of the 117th Congress!

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## Election Debrief from SAF

President-elect Joe Biden is no stranger to Washington or the White House, and the Democratic platform he ran on offers some clues to how the former vice president and longtime senator might act upon taking the country's office, said Dr. Charlie Hall, Professor & Ellison Chair in the Department of Horticultural Sciences at Texas A&M University.

"There are a number of policies in Biden's platform that could affect the floral industry," Charlie explained. "He has a number of spending proposals and tax policies, for example, but also those related to combating climate change and rebuilding infrastructure, among many others."

Joe Bischoff, Society of American Florists' senior lobbyist, agreed. "There's still a lot of unpacking to do and we'll be looking for signals of administration priorities," he said. "Some of those signals could be directly offered (e.g., climate change), but others we might be able to pick up on based on who Biden picks to lead agencies."

Joe said it's likely that President-elect Joe Biden "will work closely with the 117th Congress to achieve many of the agriculture policy priorities he outlined during his campaign," including investment in research and development, expanding farmworker protection through changes to the H-2A visa program, providing wage and union protections, and an additional \$20 billion investment to expand rural broadband and network deployment.

While Biden's trade priorities are less defined, Joe added, "U.S. relations with China will remain a top priority, including fulfillment of the Phase One trade deal, albeit Biden's approach and process on confronting China will shift to seek coordination with U.S. allies."

### Issues to watch

The best opportunities for legislative compromise, particularly in the first half of 2021, will be on investments in infrastructure and immigration, Joe predicted. Charlie said a focus on infrastructure would be welcome.

"There is some infrastructure spending that both parties have been interested in, but haven't acted on," he said. "That's something I'm hoping for, as it's an investment that's badly needed in our country and has been for a long time—and a significant amount of infrastructure spending could end up directly benefiting our industry—particularly green infrastructure-related projects."

—Mary Westbrook, Editor-in-Chief of SAF's *Floral Management* magazine

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## Vilsack Gets Ag Secretary Nod

In a bit of a stunner, former Ag Secretary Tom Vilsack was nominated by the Biden administration to be the Secretary of Agriculture in December. All signs beforehand pointed toward former Senator Heidi Heitkamp or Representative Marsha Fudge, but ultimately President-Elect Biden went a different direction. The choice was seen as the safe route in political circles.

Vilsack, who was the head of USDA for eight years under the Obama administration, is a former Governor of Iowa and current head of the U.S. Dairy Export Council. He'd also been advising the Biden campaign on agriculture issues and rural outreach. We'd presume the president-elect wants someone who knows the ins and outs of the department, and could get confirmed without too much criticism.

Despite this, he has received his share of criticism so far, mainly from groups on the Left. They claim that the department did not do enough on racial issues during his tenure and that he's too cozy with corporate agriculture. Still, it's highly likely that Vilsack will get confirmed.

—Source: *AmericanHort's Capitol Wire newsletter*

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## **New Leadership Chosen for House Ag Committee**

Starting in January, we'll have a new Chair and Ranking Member presiding over the House Agriculture Committee—Rep. David Scott (D-GA) will be the new Chairman of the Ag Committee. Scott is currently chair of the Subcommittee on Commodity Exchanges, Energy and Credit. He has served on the Ag Committee for 18 years, when he was first elected to Congress in 2002. His district encompasses the western and southern outskirts of Atlanta.

He's a moderate voice and a member of the Blue Dog Coalition, a group of Democrat lawmakers who aim to be pragmatic, fiscally responsible and appeal to the mainstream values of the American public. He'll be the first African-American to ever lead the committee, and in accordance with the committee's historical precedent, we expect there to be a heavy dose of bipartisanship with Scott at the helm. Though not a farmer himself, Scott's long tenure on the committee means he's acquired broad knowledge and perspective.

On the other side of the aisle, Rep. Glenn "GT" Thompson (R-PA) will serve as the Ranking Member. Thompson is currently the Ranking Member on the Subcommittee for General Farm Commodities and Risk Management, and also sits on the subcommittee on Biotechnology, Horticulture and Research. He represents a mainly rural district located northeast of Pittsburgh.

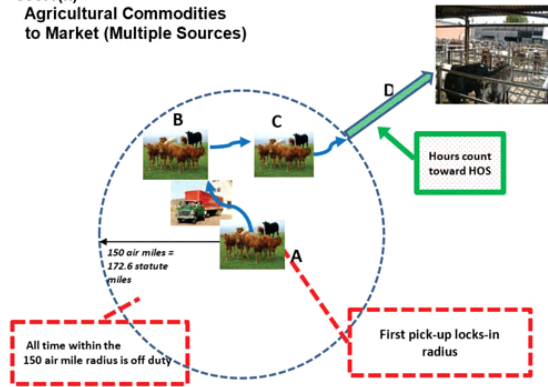
This will be the first time in years that there's completely new leadership at the top of the committee. We think the Scott/Thompson pairing will prove to be good news for agriculture.

—Source: *AmericanHort's Capitol Wire newsletter*

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## Agricultural Commodities to Market (Multiple Sources)

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Agricultural Commodities  
to Market (Multiple Sources)



## Federal Transportation Agency Deems Horticulture is Agriculture

The Federal Motor Carrier Safety Administration (FMCSA) has at last released an Interim Final Rule (IFR) to announce added detail concerning the problematic agricultural commodity definition for transportation. Affirming that “horticulture is agriculture” under trucking regulations has been a top advocacy priority for AmericanHort the past couple of years. Our goal—resolving the lack of clarity over whether greenhouse and nursery crops are agricultural

commodities—has been successfully reached.

The agency states that it “considers plants, including sod, flowers, ornamentals, seedlings, shrubs, live trees, and Christmas trees, within the scope of the definition.” The IFR also notes that most commenters addressed the need to include horticultural products, and specifically references a letter from Professor Matthew Chappell at the University of Georgia, which AmericanHort sent as part of our official comments.

The new rule is extremely beneficial as it gives commercial drivers hauling our products peace of mind to use the agricultural exemption for hours-of-service rules, granting the ability to count driving time accrued within the 150 air-mile radius of a source as “off duty.” FMCSA has put together some helpful diagrams to explain this exemption (see photo).

These new regulations went into effect December 9, 2020. Many thanks to those who joined in the grassroots effort to get this issue addressed by FMCSA.

—Tal Coley, Director of Government Affairs, AmericanHort

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**You don't have to travel to Washington, D.C., to make sure members of Congress hear from you! The Society of American Florists' 41st Annual Congressional Action Days is going virtual for 2021, giving more SAF members the opportunity to participate in the event. Mark your calendars for April 13-14 and stay tuned to [safnow.org](http://safnow.org) for more details.**