

# GROWERTALKS

JZ on D.C.

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## Biden Executive Orders

*Jennifer Zurko*



President Biden signed over 30 executive orders during his first week in office, including orders related to fighting the COVID-19 pandemic and undoing various Trump Administration immigration and environment policies.

On January 20, President Biden signed an executive order rejoining the Paris Climate Agreement. He also signed an order requiring the review of Trump Administration rules that relate to “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.” The order was accompanied by a fact sheet that lists specific regulations that will be subject to the review including:

- “Pesticides; Agricultural Worker Protection Standard; Revision of the Application Exclusion Zone Requirements”

- “The Navigable Waters Protection Rule: Definition of ‘Waters of the United States’”
- “Chlorpyrifos; Final Order Denying Objections to March 2017 Petition Denial Order”
- “Endangered and Threatened Wildlife and Plants; 12-Month Finding for the Monarch Butterfly”

In addition, President Biden signed executive orders and actions to reverse many of President Trump’s immigration policies. The orders signed by President Biden did the following:

- Revoked the travel bans (often referred to as the Muslim Ban and African Bans) previously ordered by the Trump administration and instructed the State Department to restore fairness in visa processing and remedy harms caused by the previous bans.
- Directed an immediate halt to construction of the border wall along the U.S.-Mexican border and terminated the “national emergency” declaration that President Trump used to divert monies to border wall construction.
- Directed the Department of Homeland Security and the Department of Justice to take appropriate measures to fortify Deferred Action for Childhood Arrivals (DACA) and ensure that the so-called Dreamers be protected from deportation.
- Revoked the Trump Administration’s orders to exclude undocumented individuals from the census and apportionment of Congressional representatives.
- Protected Liberians from immigration enforcement and extended work authorizations through June 30, 2022 and

directed the Department of Homeland Security to facilitate processing for Liberians applying for residency in line with the Liberian Relief and Fairness Act.

In addition, the President's chief of staff Ron Klain issued a memo freezing all pending rule changes proposed by the Trump administration, including a pending H-2A modernization rule issued by the Department of Labor. This rule was expected to be published on January 19, but now it's subject to the 60-day review period. We'll know soon enough whether any of its provisions are finalized.

Biden also signed an order raising the minimum wage to \$15 for the federal workforce. Under the order, and an accompanying Department of Labor notice, federal contractors are also required to pay a \$15 per hour minimum wage and provide emergency paid leave.

Finally, the President signed a slew of executive orders aimed at addressing the coronavirus pandemic, including an order on "Protecting Worker Health and Safety," which directs the Occupational Safety and Health Administration to update COVID-19 safety recommendations for businesses within the next two weeks and review its enforcement efforts. The order also requires OSHA to consider whether any emergency temporary standards on COVID-19, including with respect to masks and other measures in the workplace, are necessary, and if so, to issue the new standards by March 15, 2021.

*—Laurie Flanagan, Chair of the H-2B Workforce Coalition, and Craig Regelbrugge, VP of Government Relations & Research, AmericanHort*

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## Will the Biden Agenda Help the Floral Industry?

With a new president in the White House and shifting power dynamics on Capitol Hill, will long-standing floral industry issues, including immigration reform, finally gain traction in Washington? And what about issues related to trade, financial aid, industry research and the federal minimum wage? As the new administration settles in and takes stock, Society of American Florists editors asked senior lobbyist Dr. Joe Bischoff to shed light on the key industry issues lawmakers and the White House could tackle this year and how those efforts might affect business owners in all segments.

Priority No. 1 for the new administration: Making headway on overcoming the pandemic and getting the economy back on track, said Joe.

"We are expecting another COVID stimulus package to come together and it could be larger than the last," he said, adding that while some in the industry have weathered the past year well, "significant safety nets" are necessary in the next package. "Hopefully, most in floriculture won't need it, but we'd all feel a lot better if they are in place."

He also noted that SAF remains committed to securing assistance for U.S. growers this year, as it delivered in 2020. "We'll continue to push for direct support for domestic growers and forgivable loans through the Small Business Administration," he said, referring to the two previous rounds of USDA aid.

*What about immigration reform? How do you think the administration might move forward?*

**Joe:** The Biden administration is already advocating for a complete overhaul of the immigration system. Their plan includes a path to citizenship, increased availability of visas, reforms to H-2A and a mandatory nationwide E-verify system—issues that may sound familiar to SAF members because we have educated Congress about the importance of different facets of the immigration system over the years.

However, given the 50/50 split of the Senate and historically slim margin in the House, passing comprehensive immigration legislation will prove to be difficult. Biden has signaled a willingness to take a more piecemeal approach than some of his predecessors. And while that could be a useful strategy for dealing with agricultural labor issues

and get support from more right-leaning members, it's likely to be opposed by groups on the left.

Our best opportunity for modest relief on immigration issues this year will likely come from administrative actions rather than bold and lasting legislative actions. While any movement on the issue might be a welcome improvement, it won't be comprehensive enough to build the long-term stable workforce that growers need.

*Beyond immigration, what other industry issues are you watching closely now? What about the federal minimum wage?*

**Joe:** We are already seeing the administration take early steps toward increasing the minimum wage. President Biden issued an executive order on "Protecting the Federal Workforce" that directs the director of the Office of Personnel Management (OPM) to provide a report with recommendations to promote a \$15 minimum wage for federal employees and could create a similar path for federal contractors.

In Congress, House Democrats reintroduced the Raise the Wage Act that would increase the Federal minimum wage to \$15 per hour. Sen. Bernie Sanders (I-Vermont) championed the legislation in the Senate with 32 co-sponsors and Rep. Bobby Scott (D-Virginia) led the initiative in the House with 205 co-sponsors. The bill from the 116th Congress raises federal minimum wage for regular employees to \$15/hour via incremental increases over the next seven years.

We doubt this bill has the juice to pass both chambers, but expect it to be hotly debated this year. SAF has opposed federal legislation to raise the minimum wage in the past, as SAF members consistently share that the local market should dictate the minimum wage. This is an issue we will watch closely.

*What about industry research funding?*

**Joe:** We're going to see strong support for research funding, particularly for FY2022. We expect to see stimulus spending to continue for the next 12 months or so and Congress just finished up the second year of a two-year budget cycle, meaning a new budget will be set. There's always more money in that first year of a budget. Overall, this is good news for our funding priorities.

However, the emphasis will be on research that matches up with congressional and administration priorities. We'll need to focus on topics like plant breeding innovations that reduce inputs and create opportunities for carbon sequestration, technologies that reduce greenhouse gases at production sites, and advances in floriculture storage and transportation to limit waste and utilize energy more efficiently.

*Are there industry issues that were on the table six months ago that are now pretty much off the table?*

**Joe:** Trade policy comes to mind. Six months ago, 12 months ago, 18 months ago there was so much uncertainty around trade. I think additional and broad tariff actions against the EU, Canada and Mexico are largely off the table. We don't expect to see much change in our posture with China other than an effort to leverage EU and North American partnerships. However, some of that has become more difficult with a recent investment agreement between the EU and China, and our exit from the Trans-Pacific Partnership (TPP). For the industry in the short term, that means more of the same.

*Who are the key roles you are monitoring and why do those people matter so much to floral?*

**Joe:** We know that former USDA Secretary Tom Vilsack has been nominated to fill the role again and Secretary Michael Regan of the North Carolina Department of Environmental Quality has been nominated to be the EPA Administrator. However, we're particularly interested in who lands top spots at USDA's Marketing and Regulatory Programs (MRP) and EPA's Office of Chemical Safety and Pollution Prevention (OCSPP). The under-secretary for MRP leads APHIS, which will impact pest and disease response, market access issues, as well as plant

inspections at port of entry. When it comes to phytosanitary issues that could impact access to floriculture products, the buck largely stops at MRP.

At EPA, the appointee at OCSPP at an interim basis has a background in industrial toxics, which suggests the administration will emphasize those compounds, which is in keeping with their environmental justice priorities. It also means they will be heavily reliant on EPA career staff in the Office of Pesticide Policy to register insecticides, fungicides and herbicides. Fortunately, we know those folks well, thanks to years of relationship-building, and while we might not always agree, the opportunities for engagement and representing our perspective will be there.

Within Congress itself, the most significant changes are with the House and Senate Agriculture Committees. Three of the four chairs and ranking members are new in this Congress. Chairman Roberts (R-Kansas) and Ranking Member Conaway (R-Texas) both retired at the end of the 116th and Chairman Peterson (D-Minnesota) lost his bid for re-election. Chairwoman Debbie Stabenow is the only holdover, and fortunately, she has been a champion for specialty crops and we know she loves flowers.

In addition to losing those members at the top, new leadership means a lot of change among committee staff. We anticipate this being a busy year to quickly educate the new leaders on our issues.

*—Katie Butler, Senior VP of the Society of American Florists*