

# GROWERTALKS

JZ on D.C.

9/1/2021

## Push Continues for Ag Workforce Legislation in Senate

*Jennifer Zurko*

Late July brought a concerted push for bipartisan legislative action on a Senate version of the Farm Workforce Modernization Act and other “lower-hanging fruit” immigration reforms.

On Wednesday, July 21, a Senate Judiciary Committee hearing on the farm workforce featured extensive remarks by Agriculture Secretary Tom Vilsack and other witness testimony, including an Idaho vegetable grower, an Illinois dairy producer and the head of the nation’s most prominent farm worker union.

Some on the Committee—notably including Sen. Thom Tillis (R-NC)—sounded optimistic notes about the possibility of a bipartisan path forward. Others were more tentative or outright hostile. Immigration Subcommittee ranking Republican John Cornyn (TX) urged that his colleagues take their time to further study the issue. (It bears noting that the first stand-alone bipartisan farm workforce reform legislation passed the U.S. Senate in 1998, and several other variations have advanced to passage in one or the other chambers of Congress in the years since, so the issue has been extensively discussed and debated for nearly 25 years).

The Judiciary hearing coincided with an American Business Immigration Coalition (ABIC) fly-in urging bipartisan Senate legislative action on immigration reform. The event kicked off with a Capitol press conference, which proceeded smoothly despite a sudden gusty rainstorm. AmericanHort joined several Senators; Cardinal Wilton Gregory, Archbishop of Washington; and various others as invited speakers who called on the Senate to act. Our advocacy team also joined several of the dozens of scheduled lobbying visits.

The full-court press moved to the hinterlands last week, with ABIC hosting a July 28 virtual roundtable titled “Expanding the Workforce of the Midwest through Common-Sense Immigration Solutions.” Four AmericanHort leading members were part of the presenter line-up, including Tom Hughes, Hughes Nursery & Landscaping (Iowa); Kim Lovelace-Hainsfurther, Forrest Keeling Nursery (Missouri); Tom Demaline, Willoway Nurseries (Ohio); and Derek Ahl, Northern Family Farms (Wisconsin). You can view the roundtable at [youtu.be/7UIhFZnaEOU](https://youtu.be/7UIhFZnaEOU). —*Craig Regelbrugge*

---

## Wild Week for Appropriations and H-2B Visa Program

In July, the House Appropriations Committee passed the Fiscal Year 2022 Department of Homeland Security and

the Labor, Health and Human Services, Education, and Related Agencies Subcommittee appropriations bills. Against difficult circumstances and long odds, in the end, the committee took positive actions on two key issues for H-2B program users.

On Tuesday, July 13, the House Appropriations Committee adopted a bipartisan amendment by a voice vote to the Fiscal Year 2022 Department of Homeland Security Appropriations Bill to address the H-2B cap. This amendment was introduced by Reps. Chellie Pingree (D-ME-01), Henry Cuellar (D-TX-28), Dutch Ruppersberger (D-MD-02) and Andy Harris (R-MD-01). The amendment would extend the discretion delegated to the Secretary of Homeland Security to release supplemental visas in the coming fiscal year, and included stronger language that the committee passed by voice vote two years ago, which converts the discretionary language from using the word “may” to “shall.”

Later that same week, the Labor, Health and Human Services, Education, and Related Agencies Subcommittee met. In the base text of the Fiscal Year 2022 Labor bill, extremely hostile provisions provided by organized labor were included with support of the Chair of the Subcommittee, Representative Rosa DeLauro (D-CT-03). The proposed provisions would have fundamentally destroyed the program for Fiscal Year 2022. The provisions would have set out to do the following:

- Prohibit construction industries from using the program even in seasonal locations or occupations
- Increase the baseline for wages to at least 150% of the federal or state minimum wage, whichever is higher
- Prohibit industries from using the H-2B program if they experienced unemployment in ANY of the previous 12 months over 10% (a majority of H-2B industries would be ineligible, especially considering unemployment rates and COVID-19 during the period)
- Require wage compliance with a collective bargaining agreement for an industry in a local area, even for employers not a party to the agreement
- Ban participation in the program for labor/workforce-related infractions outside of the scope of the H-2B program

During the meeting, Representative Harris (R-MD-01) introduced an amendment to completely strike these sections from the bill. Rep. Harris argued that these provisions would make it virtually impossible for seasonal businesses to use the H-2B program and that these types of provisions should only be debated in the context of an immigration reform bill. Both Reps. Cuellar and Ruppersberger spoke out in support of the amendment to strike the language.

On the other side, Rep. Mark Pocan (D-WI-02) spoke out against the amendment. Rep. Pocan said that employers who use the H-2B program pay sub-par wages. He also talked about safety violations and worker abuses under the program. He said that some of the language must remain in the bill because it would prevent human traffickers and other criminals from using the H-2B program. Similar comments were made against the amendment by Chairwoman DeLauro.

Prior to the committee passing the amendment, Rep. Harris agreed to work with Rep. Pocan to address the issues raised by section 118 specifically before the bill goes to the House floor. This section would prevent employers with any violations of safety or labor laws from using the H-2B program.

Despite the success in the moment, the debates in July demonstrate the headwinds the program will face going forward. As for the next steps, both spending bills still need to go to the House floor and the Senate Appropriations Committee, which at press time had not begun its own deliberations.

AmericanHort and the H-2B Workforce Coalition will continue to work with our champions as the appropriations process moves forward, including working with Dr. Harris and others to restrict those who have seriously violated the law from using the H-2B program. Thanks to all our members and grassroots partners who took the time to

weigh in to support cap relief and to oppose the hostile amendments.

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

---

## **Important Fungicide in Regulatory Review**

On July 15, AmericanHort submitted a letter of support for chlorothalonil to the EPA. Chlorothalonil is widely used across the industry to control a variety of fungal diseases.

Chlorothalonil has multi-site contact activity, which virtually eliminates the possibility of fungi developing fungicide resistance, making it essential in our fungicide rotational arsenal. The EPA conducts periodic reviews of insecticide, fungicide and herbicide active ingredients, such as chlorothalonil, to ensure that it performs its intended function without unreasonable adverse effects on human health or the environment. EPA and USDA often look to trade organizations like AmericanHort to provide insights on the use and importance of crop protection tools.

*—Dr. Michael Martin, Science, Research & Regulation Programs Director—AmericanHort*