

GROWERTALKS

JZ on D.C.

3/1/2022

Update on H-2B

Jennifer Zurko



The U.S. Department of Homeland Security (DHS) and the U.S. Department of Labor (DOL) issued the temporary final rule to release supplemental H-2B visas for the first half cap. As a result—for the first time ever—DHS and DOL are providing supplemental H-2B visas for the first half cap.

An additional 20,000 H-2B visas are being released for positions with start dates on or before March 31, 2022. Of these, 13,500 are allocated for H-2B returning workers (2019, 2020 or 2021) and 6,500 are allocated for workers from the Northern Triangle Countries of El Salvador, Guatemala and Honduras, as well as Haiti. For application instructions, go to tinyurl.com/H-2Bappinstruct.

Your grassroots action to permanently gain H-2B cap relief is still very much needed, so please act now! Go to takeaction.americanhort.org/landing-pages/h2bvisas to have your voice heard.

—Ben Bolusky, CEO, Florida Nursery, Growers & Landscape Association

AmericanHort's Craig Regelbrugge Honored

The Illinois Green Industry Association (IGIA) held its 16th Annual Chuck Tosovsky Memorial Event on February 1 outside of Chicago to honor a leader in the nursery and landscape industry. This year, that honor went to AmericanHort's Executive VP of Advocacy, Research & Industry Relations Craig Regelbrugge. (I got an invite to attend because I work closely with Craig and his team on reporting government relations for these pages.)

This annual event gives members of the Illinois Green Industry the chance to thank and pay tribute to the leadership and service of one of their industry peers. And it also gives them a chance to come together during the winter months for fellowship, good food and drinks, and some fundraising to benefit IGIA public policy efforts. There was a silent auction that was held for everything from wine baskets to sports memorabilia (and even a set of Ball RedBooks!). There also was a live auction held by a professional auctioneer for vacation packages to Michigan, San Diego and Puerto Vallarta—all donated by some very generous members of the Illinois Green Industry.

There was a video tribute to Craig from a number of Illinois industry professionals, along with touching and humorous words from Ball Horticultural's Dr. Marvin Miller and Midwest Groundcovers' Peter Orum. Both of them have lobbied and worked on industry advocacy with Craig for over 30 years and they had some wonderful stories to

share.

When Craig got up to speak, he said being honored for his advocacy efforts, and working alongside colleagues from Illinois and all over the country makes him feel like “the blind squirrel who found the best, juiciest acorn.” He was quick to point out that he doesn’t do it alone, though, saying, “It’s my career, but it’s all of our journey.”

—JZ

Legislative Outlook for the Produce and Floral Markets

The newly formed International Fresh Produce Association (after the recent merger of United Fresh and the Produce Marketing Association) held a virtual town hall panel discussion about the organization’s legislative agenda for the coming year.

IFPA recently surveyed its members to gauge what they thought would be the most important government relations priorities. Members’ top concerns were in three categories:

- **Labor reform:** Ensuring access to adequate labor throughout the supply chain, and improving the H-2A agriculture guestworker program and legal status for the current workforce
- **Food safety:** Encouraging additional guidelines, tools and resources, which includes traceability, the Ag Water Rule, food safety research and outbreak investigations
- **COVID-19:** Liability protections, vaccine mandates for food industry workers, and the Pandemic Response and Safety Grant that helps businesses recoup costs for PPE and other workplace protection

There’s also a focus on infrastructure and transportation, as members would like the government to continue to develop policy and programs, like the Infrastructure Investment & Jobs Act that just passed a few months ago.

Moderated by IFPA’s Robert Guenther, the panelists were Helena Bottemiller Evich, food & ag reporter for Politico; Jerry Hagstrom, an ag journalist and commentator; Randy Russell, legislative council for the Russell Group, a food and ag consulting firm; and Jacquelyn Schneider, Deputy Staff Director and Policy Director for the Senate Ag, Nutrition & Forestry Committee.

Some highlights from the discussion (with a few of my own commentary sprinkled in):

- Although the Build Back Better bill didn’t pass the Senate, there were some important provisions for agriculture in it, including \$27 billion for climate-smart ag practices. Senator Debbie Stabenow (D-MI), chairwoman of the Ag, Nutrition & Forestry Committee, is looking to move forward on some of the provisions that were in the bill in the next iteration of the Farm Bill (which is on track to be completed by December 2023).

The American Farm Bureau did not support Build Back Better because of the tax provisions that were included, but most ag and food organizations didn’t make their stances known—most stood back to see what would happen with the bill. (I speculate that if the ag provisions that were in Build Back Better are broken out into separate pieces of legislation there will be more support made publicly from grower/producer organizations.)

- Farmer and grower organizations did highly support the infrastructure bill, which they’re hoping leads to more legislation on access for both imports and exports.
- Not surprisingly, there’s a lot of focus on labor issues. Supply chain disruptions, truck driver shortages and lack of seasonal labor have been a major problem. Members of IFPA (as do members of all ag and hort organizations) want

the H-2A visa program to be reformed and the Farm Workforce Modernization Act (FWMA) to be passed. (It's been gathering dust in the Senate after it passed the House in March 2021 and farmers and growers are getting impatient.)

The problem with the influx of asylum-seekers at the southern border is complicating the issue, causing some Senators to fear that the FWMA allows for blanket "amnesty" to undocumented immigrants (it does not). One of the panelists said that there's complicated politics going on in the Senate right now, making it even more tricky to get 60 votes to pass the bill.

- The ag committee is entering a new cycle to reauthorize the Farm Bill, with new hearings taking place soon. Over 75% of the Farm Bill focuses on nutrition programs, which includes the Supplemental Nutrition Assistance Program (SNAP) and the Child Nutrition program. We're seeing much more of a shift in the discussion about addressing child hunger on a bipartisan basis. Although SNAP spending doubled during the pandemic, the average benefit per month for SNAP recipients is only \$121. The hope is that there won't be as much partisan squabbling over SNAP as there's been in the past since there were similar provisions in both COVID relief bills (one passed under Trump, the other under Biden) and that those provisions (that have since expired) decreased the number of Americans living below the poverty level by 20 million, which is a decline of 45%. The age group who benefited the most were children.

Also, there will be more pressure put on the Biden Administration by farmers and producers to be stricter about anti-trust laws to protect smaller growers. And a better disaster-relief program needs to be included in the next Farm Bill, especially since a lot isn't covered under the current crop insurance system.

- The outlook for this year's midterms is a big unknown and it will depend on three things: historical trends (usually the governing party in the White House loses Congressional seats in the next midterm); redistricting (many Congressional maps are still being decided and some are being challenged in the courts); and President Biden's approval rating. The consensus is that the House is likely to flip back to the Republicans, but the wild card is the Senate. That chamber will be directly tied to the economy and the president's approval rating.

Going into 2022 and the next phase of a new Farm Bill, the producers of specialty crops are in a great position to benefit from many of its provisions. More than one panelist credited Senator Stabenow for being a "champion" on specialty crops. The hope is that things keep moving forward in the right direction.

—JZ

News, views, commentary and event coverage about the policies and legislation that directly affect our industry. Share your thoughts, opinions and news with me: jzurko@ballpublishing.com.