

GROWERTALKS

JZ on D.C.

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H-2B Day on the Hill a Success

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AmericanHort and several other industry groups hosted an H-2B day of action on June 8 to push for reforms to the program, most importantly visa cap relief. Seasonal businesses need certainty and reliability when it comes to meeting seasonal workforce needs. For horticulture, it takes a big seasonal worker surge to install and care for trees, shrubs, flowers, plants and landscapes.

The day of action was timed to target the annual appropriations process now underway, since that's been the customary vehicle for stopgap relief via a "returning worker exemption" or discretionary authority to the administration to release additional visas. During

Day of Action meetings, key members of the House Appropriations Committee reported that they're moving forward drafting their bills. Since then, a Department of Homeland Security subcommittee markup took place, leading to the next step, which is consideration of the bill by the full Appropriations Committee.

Pictured: Andrew Gray (middle) with the National Association of Landscape Professionals and his team join members of AmericanHort and the H-2B Coalition.

Around 80 H-2B users came to the nation's capital for the fly-in, including current HRI President Alan Jones of Manor View Farm in Maryland, a long-time strong advocate for H-2B reform. He reminded congressional staffers about the difficulty of relying on a lottery system to keep your business afloat.

While AmericanHort and coalition colleagues continue to support permanent reform legislation such as H.R.3897, some form of cap relief via the appropriations process (either a returning worker exemption or improved discretionary authority language) are the more likely near-term outcome.

—Sara Neagu-Read, Director of Advocacy & Government Relations, AmericanHort

House Spending Bill Would Bolster Horticultural Research

The House Committee on Appropriations will propose a \$1 million increase for the Floriculture & Nursery Research Initiative (FNRI) in the coming fiscal year. The news of an increase, the first since 2018, arrives following a sustained advocacy campaign with dozens of lawmakers and staff on Capitol Hill led by AmericanHort and amplified by industry leaders across the country.

FNRI guides and pursues research through USDA and U.S. academic institutions, targeted to the needs of the floriculture and nursery industry. FNRI research improves horticulture's environmental and resource management practices; advances insect, disease and weed management; and supports greater efficiencies in horticultural production systems.

The program represents a unique model within USDA's research portfolio in that the process to identify priorities includes industry representatives, academic researchers and USDA scientists. Available funds are split roughly equally between ARS facilities and university collaborators, and roughly in half between floriculture and nursery projects.

Past and ongoing projects include smart-sprayer technology, developed by USDA-ARS researchers to replace traditional pesticide sprayers in nursery production for more efficient delivery. When Biotype Q whitefly emerged as a regulatory concern for cotton and vegetable crops, FNRI-supported research developed integrated pest management strategies without restricting the movement of horticultural crops. A tHRive web series on the impact of whitefly work and other FNRI projects, such as greenhouse and nursery production research, are available on the website of the Horticultural Research Institute (hriresearch.org).

Continued congressional support for FNRI depends on sustained educational and advocacy efforts on Capitol Hill through a collaboration between AmericanHort and the Society of American Florists. Initially funded in fiscal year 1999 with \$1 million, Congress currently provides more than \$5 million annually to the program. The \$1 million increase proposed by the House for Fiscal Year 2023 illustrates once again the progress our industry can achieve with our collective voice. Our work continues, as the Senate has yet to finalize its spending bill, which the Appropriations Committee is expected to advance later this fall.

—Evan Lee, Director of Policy & Government Relations, AmericanHort

SAF Pushes Back on Potential Overtime Rule Changes

The Society of American Florists (SAF) joined 92 other organizations as part of the Partnership to Protect Workplace Opportunity (PPWO) coalition, which urged Secretary of Labor Marty Walsh to abandon or at least postpone consideration of changes to the U.S. Department of Labor's (DOL) overtime regulations under the Fair Labor Standards Act.

DOL last updated the overtime regulations three years ago, adjusting the types of positions that qualify for overtime, as well as the minimum salary that employers must pay employees for them to qualify for the white collar and the highly compensated exemptions to the federal overtime pay requirements. How employees are categorized (salaried vs. hourly or non-exempt vs. exempt) and the resulting overtime rules that apply to each category impact employers' ability to recruit and retain employees, and structure benefit plans.

With current workforce shortages, supply chain disruptions and inflation pushing business operational costs higher, SAF argues that now is not the right time to change overtime pay rules.

PPWO notes in a letter to Sec. Walsh that employees and employers are best served with a system that promotes maximum flexibility in structuring employee hours, career advancement opportunities for employees and clarity for

employers when classifying employees. Given that the overtime regulations were adjusted three years ago, the timing “strongly suggests there is no need for urgency in issuing more changes,” the letter says.

The letter also highlighted the current labor challenges businesses face: supply chain challenges, labor shortages, and the prospect of both inflation and a recession.

“Many businesses are not well-positioned to absorb new labor costs associated with changes to the overtime pay regulations, and such changes would only exacerbate the difficulties businesses are currently facing,” the letter states.

DOL’s Wage and Hour Division recently hosted a series of listening sessions to hear the public’s feedback on the current overtime regulations. Employers and PPWO have been vocal during those listening sessions, calling on DOL to abandon or at least postpone consideration of changes to overtime rules “until the current economic situation stabilizes and improves to allow the American workforce, employer community and DOL itself to more fully understand how the pandemic has shifted the paradigm of work in America.”

SAF will continue to monitor the DOL’s process and work with PPWO to advocate for no changes to the current overtime rules.

—Elizabeth Daly, Society of American Florists

Legislator Visit Alert

In April, Amy Morris and her team at N.G. Heimos Greenhouse in Illinois hosted U.S. Representative Mike Bost. While touring the facility, Amy discussed the labor-intensive nature of plant production, the cost challenges and uncertainties with H-2A, trucking woes, and the stepped-up basis inheritance tax code. The Congress-man enjoyed the tour so much he promised to return with his wife for their poinsettia open house in November!

Pictured: Micky Byland (left) and Amy Morris of N.G. Heimos Greenhouse hosted their U.S. rep, Congressman Mike Bost (R-IL), this past April.



“I was honored that Congressman Bost came to visit our facility,” said Amy. “It was the perfect time of the year for him to see our business in full swing. He was able to understand how our company runs and how desperate our need is for labor. I was able to show him the mounting bills we have for just transportation, and see product still sitting waiting for a truck driver to pick it up and deliver it. It was a very positive meeting for all of us.”

—JZ

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