

GROWERTALKS

JZ on D.C.

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USCIS Issues Proposed Rule for H-2 Program Fee Increases

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The U.S. Citizenship and Immigration Services (USCIS) recently published a Notice of Proposed Rulemaking (NPRM) to adjust immigration and naturalization benefit request fees. The increases in fees, according to USCIS, would go towards recovering operating costs, reestablishing, maintaining case processing and preventing the accumulation of future case backlogs.

The proposed fee increases, if finalized, would result in a weighted average increase of 40% across the board, most of which would be accounted for by employment-based requests. Pre-registration fees for H-1B specialty occupation visas, for example, would rise to \$215. Petitions for H-2A and H-2B temporary workers would rise to \$1,690 and \$1,680 for an unnamed application, respectively. Both H-2A and H-2B petition fees are currently set at \$460, making this a 267% increase for H-2A users and a 265% increase for H-2B.

New measures include a proposal to incorporate biometric costs to maintain the benefit fee and remove the separate biometric services fee, establish separate fees (\$600) for each non-immigrant classification covered by Form I-129, change the premium processing timeframe from 15 calendar days to 15 business days, and institute lower fees for certain forms filed online. The proposed rule would not change fee waiver eligibility requirements.

Comments to the proposed rule will be accepted for 60 days and can be submitted at tinyurl.com/newh2fees.

—Sara Neagu-Reed, Director, Advocacy & Government Affairs, AmericanHort

EPA and Army Corps Finalize WOTUS Rule

On December 30, the EPA and the Army Corps released a pre-publication of a new regulatory definition of WOTUS. As expected, the rule expands the federal government's reach over private property, and lacks the clarity and certainty that ag industry operators have long requested. Over the last several decades, there's been considerable confusion over where to appropriately draw the line of federal jurisdiction under the Clean Water Act. The regulatory definition continues to change with every Administration.

By expanding the federal government's jurisdiction, the universe of permitting requirements to which growers may be subjected also expands. The costs associated with Clean Water Act compliance can be exorbitant and cause considerable delays. Since this rule relies on case-by-case determinations and ambiguously defined terms, it's difficult for growers around the country to understand if they have a jurisdictional feature on their property.

To further complicate matters, the industry is still waiting for the Supreme Court to issue a decision on the scope of the Clean Water Act. A ruling in the Sackett case could send WOTUS back to the drawing board, leading to more disruption and uncertainty.

The rule will go into effect 60 days after it's printed in the Federal Register.

—Sara Neagu-Reed

SAF Advocacy Push Secures Additional \$1 Million for Floriculture Research

The floral industry will have an additional \$1 million annually for floriculture research. SAF's members pushed for the additional funding for the Floriculture & Nursery Research Initiative (FNRI) in early 2022 with legislators during the association's Congressional Action Days. The increase is in addition to the \$5.4 million annually going toward research projects in the current program.

"FNRI is a vital part of SAF's efforts to respond to pest and disease problems, tackle the challenges of climate change, enhance the efficiency of production practices, develop and promote sustainable growing practices, and broaden the message of the positive environmental and social impact of our crops," said SAF Senior Lobbyist Joe Bischoff.

The strategy to seek the increase came together in late 2021, following visits to growers who had expressed the need for technological innovation to address farm labor and productivity challenges. CAD attendees last March talked to congressional members and their staff about the need for expanded research into mechanization, including drone technology. SAF made official appropriations requests following CAD and continued to make the case for the funding with key congressional leaders. As part of this effort, SAF collaborated with AmericanHort on advocacy outreach.

"Because of this increase, FNRI will be able to broaden its scope and invest research into new technologies, such as Unmanned Aircraft Systems (UAS)," said Joe.

The potential of this technology could help in a variety of aspects, including saving on labor for scouting and pesticide application, lowering pesticide volumes because of better targeting, significantly reducing worker exposure to pesticides, and reducing soil compaction and erosion with less foot traffic in the fields.

SAF's political action committee helped influence a positive outcome for the industry. More than \$75,000 was raised for SAFPAC in the 2021-2022 cycle—the largest amount in the last five cycles—money that enabled SAF to develop more touch points with key congressional appropriators and their staffs, including on the appropriations committees.

But with a new Congress and new leadership in the House, there's still more work to do to meet the needs of the industry, including maintaining funding for FNRI, renewing the Generalized System of Preferences to eliminate the 6.8% tariff on roses, and finding a workable system for ag labor, among other issues. Join your peers to tell legislators what your business is experiencing at home—and how they can help—during SAF's Congressional Action Days, March 20-21, in Washington.

For more information and to register, visit safnow.org/events-education/congressional-action-days.

—Katie Butler, Senior VP, Society of American Florists

Congress Fails to Include Immigration in Omnibus Package

In response to Congress failing to include immigration solutions in the omnibus package during the lame duck session, the American Business Immigration Coalition (ABIC), of which AmericanHort is a member, issued this statement through Executive Director Rebecca Shi: “We regret that this Congress failed to show the courage to advance immigration solutions for farm workers and farmers, for Dreamers and the U.S. economy and consumers. There is a reason why Congress is one of the most unpopular institutions in our nation. At the end of the day, Republicans still prefer to complain about the border than to compromise on solutions, and Democrats have much higher priorities than standing up for hard-working immigrants.

In the statement, Ms. Shi states that over 90% of DACA recipients are employed, in school or serve in the military, and “bringing 2 million Dreamers out of the shadows would create more than 1.4 million jobs for Americans and \$46 billion in economic spending.”

She also mentions that Americans spent 20% more for their holiday dinners in 2022, including 21% more for meats, milk and eggs. According to the USDA, for the first time in U.S. history, the U.S. will be importing more agricultural goods in 2023 than it exports.

“ABIC Action salutes Senators Kyrsten Sinema (D-AZ) and Thom Tillis (R-NC) who worked to address both the need for order at our border and a just solution for Dreamers,” said Ms. Shi. “In the House of Representatives, Republicans Mike Simpson and Dan Newhouse joined Democrats Zoe Lofgren and Salud Carbajal to pass bipartisan solutions for farm workers and farmers, protecting our nation’s food security and reducing inflation.

“Unfortunately, this bill failed in an effort to join it to the Senate Omnibus budget bill. Senator Michael Bennett (D-CO) fought for this solution until the very end. His Republican partner Mike Crapo (R-Idaho) walked away from the table before a deal was finalized.”

Ms. Shi said that ABIC Action has already started working to encourage this new Congress to compromise on solutions to fix the country’s immigration system.

—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.