



Dan Wheat/Capital Press

Orchard workers prune apple trees north of Brewster, Wash., on March 24. As much as 70 percent of Washington's tree fruit labor force is estimated to be illegal aliens by the U.S. Department of Labor and industry associations.

## Farm groups side with Obama on immigration order appeal

By DAN WHEAT  
Capital Press

YAKIMA, Wash. — Two farms and two farm labor organizations on the West Coast are among 63 businesses and groups that have joined the Obama administration's appeal seeking to uphold the president's controversial order on immigration.

The order, struck down in lower courts, grants deportation deferrals and temporary legal work status to about 5 million illegal immigrants.

The U.S. Supreme Court heard arguments on the case April 18 and is expected to issue a ruling at the end of June. Twenty-six states, led by Texas, brought the suit, saying the president's action is unconstitutional and only Congress has the legal authority to set immigration policy.

Supreme Court justices seemed evenly divided in their questioning during oral arguments. A split ruling would leave the lower court rulings standing.

Washington Growers League in Yakima, Wash., Broetje Orchards in Prescott, Wash., Nisei Farmers League in Fresno, Calif., and Farmers Investment Co. in Sahuarita, Ariz., are listed in the lawsuit as friends of the court supporting Obama's position.

"I think we have been willing to take a very pragmatic view, moreso than some of the other groups in the industry," said Mike Gempler, executive director of Washington Growers League, a trade association representing growers on labor issues.

"Congress has not done anything for years and this (order) would help alleviate industry exposure (of hiring illegals)," Gempler said.

It's been common for U.S. Immigration and Customs Enforcement — known by the acronym ICE — to show up at a farm or packing house with a warrant for someone who has violated a deportation order, he said. Frequently, the employee is a foreman, manager or longtime key employee who has been using false documents unbeknown to the employer, he said.

Many Northwest farms, packing houses and dairies would benefit from the order but they also could lose employees emboldened to move to other job sectors, Gempler said.

It reduces overall risk but doesn't negate the need for immigration reform that includes an improved guest-worker program, he said.

Even if the order fails in court, some sort of legal work status eventually will have to be put in place because it's unreasonable to deport 11 million to 12 million people, he said.

Dan Fazio, CEO of WAFLA, formerly known as Washington Farm Labor Association in Olympia, said the administration's appeal has little agricultural backing because it has "burned important bridges with agriculture."

It has made it harder for farmers to use legal guest-worker programs, which has caused more undocumented immigration, Fazio said.

Under the order, Deferred Action for Parents of Americans (DAPA) grants legal work status to some workers, which is a plus, but it's a temporary fix that doesn't address the labor shortage, polarizes Congress and makes a permanent fix harder to achieve, he said.

Chris Schlect, president of Northwest Horticultural Council in Yakima, said many in agriculture are not inclined to support the president in a major dispute with Congress and many states over the extent of his constitutional powers.

Craig Regelbrugge, national co-chair of the Ag Coalition for Immigration Reform and senior vice president of AmericanHort, said DAPA doesn't directly improve farm labor shortages because it doesn't supply additional labor. The H-2A visa guestworker program only supplies less than 10 percent of farmworkers, while 50 to 70 percent of farmworkers are believed to be unauthorized, he said.

Industries would be devastated if workers were deported, he said. It's in "our mutual interest" if they can earn legal work status and the groups supporting the administration's appeal probably see DAPA as a "small stepping stone" toward a more permanent fix, Regelbrugge said.

Broetje Orchards grows more than 6,000 acres of apples and cherries with more than 1,200 year-round employees and thousands more seasonal workers, the lawsuit states.

## April heat did a number on Oregon's snowpack

By ERIC MORTENSON  
Capital Press

Wildly fluctuating April weather sent Oregon's snowpack up, down and now, in some areas, melted out.

It's still too early to project water trouble this summer — the return of cool weather could help retain snow or even increase the snowpack a bit — but as the USDA's Natural Resources Conservation Service in Portland put it, "What a difference three weeks can make."

At the first of April, everything looked great for irrigators, fish and wildlife managers and others who monitor and care about streamflows and reservoir levels. Heavy snow and rain blanketed Oregon this past winter, and the amount of water contained in the snowpack was at or above normal in nearly every river basin in the state.

But April brought unseasonably warm weather, including a record-high temperature of 85 degrees on April 7, measured at Portland International Airport. By April 22, the amount of

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water stored in the snowpack, called the snow water equivalent, was well below the 1981-2010 median.

The Deschutes and Malheur regions of Central and Southeast Oregon measured 11 percent and 31 percent of normal, respectively. Other river basins measured from 51 to 83 percent of the median for this time of year.

Some NRCS automated monitors show no snow remaining, hydrologist Julie Koeberle said.

"It went fast, because of the warm temperatures," she said. Oregon's snowpacks typically begin to melt in April, but at a slower pace that sustains streams through the hot months.

Koeberle said the NRCS will have a better handle on things within the next couple weeks, as snow survey teams hit the mountains and take a closer look.



Eric Mortenson/Capital Press

NRCS hydrologist Julie Koeberle, shown measuring the snow-water content on Mount Hood in late December, said April's heatwave quickly melted some of Oregon's snowpack.

## Changing market demands challenge beef industry

By CAROL RYAN DUMAS  
Capital Press

TWIN FALLS, Idaho — Changes in the beef industry, from structural issues to consumer preferences, are bringing new challenges and risks to raising cattle and marketing beef.

One of the most dangerous approaches is to do things the same way they've always been done, market consultant John Nalivka, owner of Sterling Marketing, Vale, Ore., told those attending the Idaho Range Livestock Symposium.

"What it's all about is managing risk. The problem is the cattle business is one of the riskiest businesses you could be in," he said.

"You have to think beyond the ranch gate and think about where that product's going," he said.

Millennials are now the largest group of consumers, and they're changing demand. It's not just about per capita demand, it's about awareness and preferences, he said.

"It's not about money, necessarily. It's 'how much am I going to eat and what cut,'" he said.

Millennials are demanding products that are natural, organic and local — produced sustainably and without antibiotics, he said.



Carol Ryan Dumas/Capital Press

Marketing consultant John Nalivka turns to the camera while talking with cattle producer Laurie Lickley at the Idaho Range Livestock Symposium in Twin Falls on April 20.

"The important part is everybody's in this together — producers, processors and consumers. If they tell you the environment is a big deal, it is a big deal," he said.

The same goes for animal welfare and everything else consumers are demanding, he said.

Nalivka contends that someone who's been in business for 50 years, even 10 years, is sustainable.

"But now you have to get Walmart or someone else to tell you if you're sustainable," he said.

Producers need to actively tell their story and be advocates for the way they raise cattle and produce beef, he said.

But they might also need to

make changes in what they do, such as the subtherapeutic use of antibiotics in feed. That's a huge deal with consumers, and it's not going away, he said.

Fed cattle weights are also a problem. A finished weight of 1,350 pounds used to be the "generally accepted" weight by packers, but live weights have jumped significantly over the past two years — up to about 1,500 pounds to 1,600 pounds, he said.

Along with that higher finished weight is much heavier carcasses, due also to better live-to-carcass yields and the use of growth promotants, he said.

"It's getting to the point of diminishing returns. People



Capital Press file photo

Changes in consumer demands are bringing new challenges and risks to raising cattle and marketing beef.

simply don't eat a 16-ounce steak any longer," he said.

The industry has to get a handle on weights, but that likely won't happen until packers discount those heavy carcasses, he said.

Another challenge is international trade. U.S. beef exports were down 12 percent in 2015, strained by the strength of the U.S. dollar against weaker currencies elsewhere.

"If you don't understand anything else about trade, you need to understand the value of the dollar," he said.

A strong dollar raises the price of U.S. beef in international markets. The dollar has risen 25 percent since June 2014, peaking in January. It's come down about 6 percent since then, but has to drop another 18 percent to be back in the 2014 range, he said.

## Idaho ag department gives overview of food safety rules

By SEAN ELLIS  
Capital Press

ONTARIO, Ore. — Idaho and Oregon farmers were given an overview of FDA's new Food Safety Modernization Act rules April 26 during a meeting hosted by the Idaho State Department of Agriculture.

FDA's produce safety rule will require farmers who grow fruits and vegetables that are consumed raw to comply with numerous provisions meant to ensure food safety.

It is one of seven rules FDA has developed to comply with FSMA and was the main focus of the meeting.

The rule includes a host of new requirements for these fruit and vegetable farmers and "the produce industry has never been regulated in this manner before," said ISDA Chief of Staff Pamm Juker.

But she told farmers not to panic because the department and other groups are gearing up to help growers understand and comply with the provisions.

"We're here to try to find answers for everybody," Juker said. "The training and technical assistance everyone is going to need to comply with these rules is coming."

Small operations with

\$25,000 to \$250,000 in average annual produce sales have to start complying in 2019, farms with \$250,000-\$500,000 in sales have to comply in 2018 and bigger farms have to start complying in 2017.

Juker called the April 26 meeting a "FSMA 101" course and said farmers would be provided more detailed information as FDA releases promised guidance on the rules.

The produce rule will require farmers to test every source of agricultural water on their farm annually for general E. coli.

Farms with less than \$25,000 in produce sales annually are not covered by the rule and produce that FDA has identified as rarely consumed raw

is also not covered. Produce headed for commercial processing that reduces pathogens with some type of "kill step" is also not covered.

Produce farmers will be required to assess their fields to see if any of their crop has been contaminated by animal droppings and will not be allowed to harvest any part of the crop that has.

Other components of the produce rule include personnel training, worker health and hygiene and the sanitation of equipment, tools and buildings.

Accurate record keeping to prove compliance is critical, Juker said. "Everything you do must be documented."

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