

# GMO

CONTINUED from Page 1

John DiLorenzo, attorney for the plaintiffs, said he's confident the Oregon Court of Appeals will affirm the decision, preventing county-by-county litigation if other local governments pass similar GMO bans.

"That's why I'm not opposed to an appeal. I think we'll establish a state rule," he said.

Currently, Oregon's Jackson County is the only jurisdiction where a GMO ban is allowed under state law.

The initiative on Jackson County's ordinance was already on the ballot when the Oregon Legislature approved the statewide pre-emption

statute, and it has since been upheld by a federal judge.

However, county restrictions on GMOs have come under fire in the 9th U.S. Circuit Court of Appeals, which has been asked to decide whether such local regulations are allowed under federal law.

Meanwhile, DiLorenzo is seeking \$29,000 in attorney fees from OSFF and Siskiyou Seeds, alleging that

some of their legal arguments lacked an "objectively reasonable basis."

The non-profit and farm have objected to this request, arguing it would have a "chilling effect" on other groups that want to "challenge unjust laws that impact local communities," according to a court document.

Siskiyou Seeds owner Don Tipping said the \$29,000 award would

result in "great financial harm" for his company, since "farming is typically close to a breakeven livelihood," according to the document.

Middleton of OSFF said in the document that the requested amount is greater than the group's operating budget for the GMO ban campaign, so being forced to pay it "may result in shutting down and/or dissolution of the entire organization."

# Farms

CONTINUED from Page 1

It costs packing houses more than it's worth to run their lines for a few bins of fruit, and co-ops are declining in number, Limon said. That makes it tough for a new grower, starting small, to get going.

Another hurdle is the cost of land.

Orchard prices are "skyrocketing" to \$15,000 to \$20,000 per acre for the cheapest established orchards and \$18,000 for bare land where orchards are expanding in Quincy, 30 miles southeast of Wenatchee, he said.

Yet another factor, he said, is few second- and third-generation Hispanics are interested in farming.

That's true in his family. Limon's sons graduated from the University of Washington, Gonzaga University and Central Washington University.

The oldest, Jesus, 38, has a computer science degree and works for an airplane parts manufacturer in Snohomish County, Wash. Jose, 35, has a business degree and is manager of the USDA Farm Service Agency office in Wenatchee.

Eric, 28, also has a business degree and is a banker with Wells Fargo in East Wenatchee. Carlos, 25, just graduated in electrical engineering and works for Avista Utilities in Spokane.

Though the growth in the number of Hispanic farm operators is slowing in some states, Philip Martin, professor emeritus of agricultural and resource economics at the University of California-Davis, cautioned against over-interpreting changes in just five years from one age census to the next. Longer spans need to be studied to determine trends, he said.

Age could be one factor in the deceleration, Martin said. The average age of Hispanic farm operators is 57.1 years old, barely below the average age of all operators at 58.3. More will retire as they age.

Hispanic farms tend to be small and the number of Hispanic farm operators may be affected by more spouses working off the farm, Martin said.

It's safe to say, he said, that the number of Hispanic farm operators will increase but how fast and in what commodities and in what size of farm is hard to predict because that data is not tracked.

At just 3 percent of total farm operators, Hispanics won't become a majority any time soon because they often lack capital and marketing ability, Martin said. He views those factors as the two largest constraints and points out that California strawberry companies often provide capital and marketing for the Hispanic growers who operate most of that state's strawberry farms.

## Humble beginnings

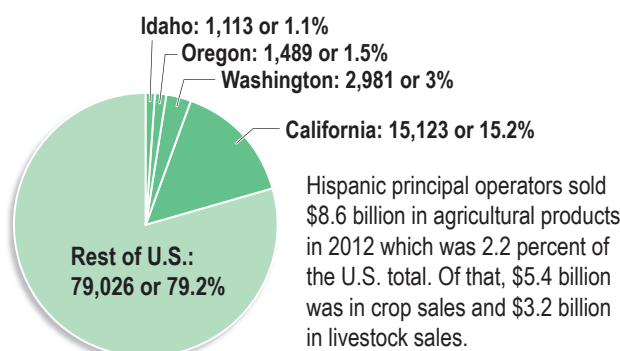
Jesus Limon was born on



Dan Wheat/Capital Press

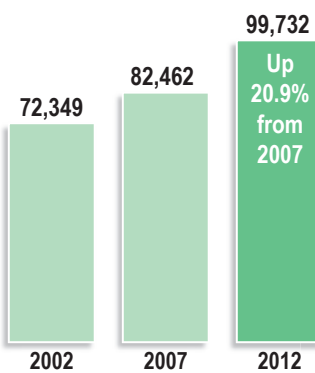
Jesus Limon cuts furrows to plant rootstock for Honeycrisp apple trees on his 80 acres off Road 5 south of Quincy, Wash., on March 27, 2014. He bought his first 10 acres of orchard in 1988 and now owns 150 acres.

## Hispanic farm operators in the Northwest and California, 2012\*



## Hispanic operators nationally\*

More than one-third of farms with a Hispanic principal operator specialized in beef cattle. The second largest category was farms with no majority crop. The third was fruits and tree nuts.



\*For counts of up to 3 operators per farm.

Source: USDA, 2012 Census of Agriculture

Dan Wheat and Alan Kenaga/Capital Press

Christmas day in 1957 in Zapotlanejo, Mexico, 22 miles east of Guadalajara.

"Everyone celebrates Christmas but not my birthday," he said.

A Catholic, he doesn't mind being named after Jesus Christ or being born on his birthday.

"If anyone was going to mind it would be him. No one will be as good as he was. No way," he said with a laugh.

Limon had an older sister and was the oldest of five brothers. Their parents worked their small farm and did farm work for others. The family lacked food once or twice a month. Limon knew people who died because they couldn't afford medical care, had no insurance and lacked access to social programs.

Their father, Jose Isabel Limon, sometimes worked in the U.S. under the Bracero guest-worker program to make more money. He was working in a Glendale, Calif., factory when his wife, Teodora Casillas, died in 1969.

Jesus Limon was 12. He and his sister were helping their mother haul water from a well to their house. Limon got to the house first, put his buckets down

and went back to help his mother. He found her collapsed on the ground from a heart attack.

"She made it through the night. The next day people made a gurney and took her to Guadalajara. She had another heart attack. I don't know if she made it to the hospital or not before she died," Limon said.

## To the U.S.

By this time, Limon's father had a U.S. green card — a permanent work permit — and decided to move his family to California. It took several years, bringing one or two of the children at a time through legal immigration.

At the U.S. consulate on the border, Limon tested positive for tuberculosis and was denied U.S. entry. It was a false reading. He didn't have TB but he had to wait a little over a year in a town there before finally gaining entry in 1974. He was 17.

He lived with his father for awhile in Glendale but didn't like city life. He worked a few seasons picking celery in Salinas and Irvine and oranges in the Coachella Valley.

He attended school only a

few days in Glendale.

"Kids were reading and writing and I just couldn't make it because of the language," he recalled.

He met his future wife at school and they decided to run away because she was underage, just turning 18. They headed north, on their way to Canada, when they stopped in Wenatchee, decided they liked the town and stayed.

## Getting ahead

Limon tended and picked fruit in several Wenatchee-area orchards and twice tried attending Wenatchee Valley College to learn English.

"I just couldn't cut it. I started reading novels and books and picked it up faster that way. I can read it, but I can't write it," he said.

Three years in grade school in Mexico is the extent of his formal education.

In 1982, Limon hired on as an orchard laborer at Auvil Fruit Co. in Orondo, 17 miles north of Wenatchee. The company was founded by the late Grady Auvil in 1928. He was an industry innovator who, among other things, brought Red Haven peaches and Granny Smith and Fuji apples to the fore and co-founded the Washington State Tree Fruit Research Commission.

Limon worked his way up to foreman and then moved into management.

"Grady kind of took me under his wing. If he saw you wanted to do better, he gave you a little push. He was a good man," Limon said.

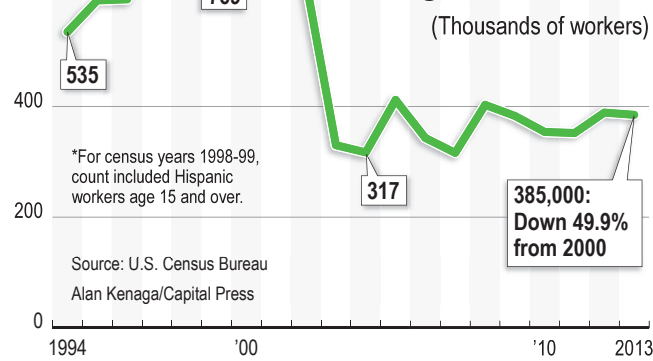
In 1988, Limon tried to buy stock in Auvil Fruit but couldn't because he wasn't a U.S. citizen. So he bought 10 acres of bare land to the north at Bray's Landing and planted Fuji and Granny Smith apple trees.

In 1992, he obtained Farm Service Agency financing to buy 30 acres of orchard in the same vicinity.

In 1996, he quit Auvil and focused on his orchards, figuring it was the best way to get ahead.

The late 1990s and early 2000s were bad years in the apple industry because of too

## Hispanic farm, fishing and forestry workers age 16 and over



many Red and Golden Delicious apples. Prices were low. Growers were quitting the business.

Limon believes he was saved by switching to organic production — by accident. The owner of an orchard next to his 30 acres was growing organically and asked if he could farm several rows of Limon's orchard as organic to prevent Limon's conventional pesticides from drifting onto his fruit.

"I said why don't I just farm the whole block organic and when I found out the benefits I converted my other 10 acres, too," he said. He made more money and his workers could re-enter the orchard sooner after spraying.

In 2006, Limon purchased another 30 acres of apple orchard that had been repossessed by a bank near Quincy. In 2013, he bought 80 more acres of bare land south of Quincy, planted rootstock and budded Honeycrisp apples.

"That's taken a toll on me. It was expensive," he said, adding it was a \$2 million to \$2.5 million investment. The first fruit will be harvested in 2017.

Limon also manages 20 acres of cherries on a lease south of Wenatchee and leases several other 5-acre blocks of apples in East Wenatchee.

He sells 90 percent of his fruit on contract directly to Whole Foods, which has it packed by Blue Bird Inc. and Phillippi Fruit Co. in Wenatchee.

## Challenges

Limon said he's never felt discrimination from any businesses in Wenatchee but occasionally has seen it in individuals. Sometimes it can be hard to know if it's racial or that someone just doesn't like you, he said.

Misunderstandings from miscommunication and a steep learning curve from lack of English, education and knowledge of how American systems work can all be challenges. Limon said he's never experienced those because of Grady Auvil's teaching and coaching.

Workers becoming foremen and then managers and eventually buying into a farm when their bosses retire is a

common way for Hispanics to get ahead, but it's not always easy, Limon said.

"Getting guys who sell chemicals, equipment and everything else you need to open accounts and trust you will pay" and "getting warehouses to trust you will produce quality fruit" are difficulties, he said.

Long hours away from family present another challenge, but probably his greatest has been economic setbacks from bad weather or a poor economy, he said.

It's a challenge, he said, for small growers to stay competitive, to grow big enough to keep per-unit costs down. New mandatory work breaks for workers paid piece rate is a "bookkeeping nightmare," so he's switching to hourly pay with a harvest bonus.

Being organic, keeping up with new varieties and selling directly to Whole Foods helps, he said.

## Labor and immigration

Limon employs six to eight orchard workers year-round and hires 25 for seasonal thinning and harvesting. Domestic workers were plentiful 20 years ago but they've been getting harder to find every year for the last eight, he said.

In recent years, he's hired H-2A visa guestworkers from Mexico through the farm labor organization WAFLA. He has 15 H-2A workers on a shared basis with other small growers and thinks he will need 20 next year. He built housing for 32 workers in Orondo.

"I know of a couple of guys last year who left cherries on the trees because they didn't have pickers," Limon said. "Guys with light cherry and apple crops will have to leave them this year. Right now, I'm not fixing trellis the way I should because I don't have enough workers and picking cherries and thinning apples takes priority. You see weeds let go because there's not enough time to do that."

Beyond a tighter U.S.-Mexican border, Limon said part of the labor shortage is caused by "government not letting kids work when they are young and then when they are 18 they don't want to work because they don't know how."

# Ruling

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District includes a lot of labor-intensive tree fruit orchards and packing houses. Newhouse pledged to continue working for immigration reform.

Tom Nassif, president and CEO of Western Growers, Irvine, Calif., issued a statement saying Congress should set immigration policy but that it "abdicated its duty" so Obama's action was understandable. Nassif, instrumental in a 2013 Senate bill on immigration, urged the president and Congress to take up the issue in earnest.

Mike Gempler, executive director of Washington Growers League in Yakima, said the decision is not unexpected but is unfortunate.

The Washington Growers League, the Nisei Farmers League in Fresno, Calif., Broetje Orchards in Prescott, Wash., and Farmers Investment Co. in Sahuarita, Ariz.,

were the only agricultural interests out of 63 businesses and groups that joined the Obama administration's appeal seeking to uphold the order. Farmers Investment is the largest integrated pecan grower and processor in the nation.

"We will have to work extra hard now to move something in Congress," said Gempler, who months ago cited congressional inaction as a reason for supporting Obama's order.

"Whoever is elected president will be under a lot of pressure to move something," Gempler said. "Trump (presumptive Republican presidential nominee Donald Trump) uses a guestworker program in some of his businesses so I'm sure he has some understanding of how they work, but he apparently doesn't have sympathy for legalizing people who are here."

Hillary Clinton, the presumptive Democratic presidential nominee, "seems to be ready to go forward with

some sort of bipartisan reform similar to the Senate bill of 2013. So that gives me hope," Gempler said.

Manuel Cunha, president of Nisei Farmers League, could not be reached for comment.

Mace Thornton, a spokesman for the American Farm Bureau Federation in Washington, D.C., said that organization "believes only Congress" can provide immigration reform.

"We want to make sure farmers and ranchers have access to adequate and stable labor and that will only happen through Congress," he said.

In 2012, Obama gave deportation deferrals to 600,000 children, up to age 30 if they came to the U.S. illegally before they were 15, under his Deferred Action for Childhood Arrivals (DACA).

His 2014 executive order extended DACA to 300,000 more people and created Deferred Action for Parents of Americans (DAPA) for an estimated 4.5 million adults in

the U.S. illegally for at least five years with children.

There are probably 90,000 to 100,000 people in Central Washington and northeastern Oregon who qualify for DAPA, Tom Roach, a Pasco immigration attorney, has said. There are thousands more in Idaho and many thousands more in California, he has said. Many of them are farmworkers.

United Farm Workers has estimated 250,000 farmworkers would have benefited from the order.

Farmworkers would benefit but the order does nothing to address farm labor shortages, said Craig Regelbrugge, national co-chair of Ag Coalition for Immigration Reform and senior vice president of AmericanHort in Washington, D.C.

Dan Fazio, CEO of WAF-FA, formerly the Washington Farm Labor Association, in Olympia, agreed. Both said guestworker reform is needed to help address labor shortages. The current H-2A-visa

program supplies less than 10 percent of farmworkers, Regelbrugge has said.

He characterized the Supreme Court action as a "non-decision" since there is no written elaboration, nothing that illuminates their views on arguments, standing of the plaintiffs or whether the order falls within the realm of prosecutorial discretion or not.

"Congress needs to find the wisdom and courage to move forward and that won't happen in a serious way before 2017," Regelbrugge said.

People working on the issue are somewhat optimistic of action next year, he said.

If Trump is beaten with low Hispanic support, it may be a wakeup call for Republicans to deal with the issue, he said. If Trump wins there would seem to be less chance given his desire to deport illegals and apparent opposition to guestworker programs, but "who knows where Trump is on an issue on any given day,"

he said.

"Immigration reform and a legal workforce remains the absolute top priority for labor-intensive agriculture," Fazio said. It doesn't take Congress, any administration can fix the H-2A program, he said.

"The pressing need is for the government to show it can administer a legal worker program. It has demonstrated the exact opposite the last two years," Fazio said.

Jeff Stone, executive director of the Oregon Association of Nurseries in Wilsonville, said the president only issued his order after it was clear that Republican House leadership wasn't going to allow a bipartisan Senate bill to proceed to a vote in 2013.

The Supreme Court action "only highlights the need to elect members of Congress who will stand up for comprehensive reform. Such reform needs to address border security, legal status for those already here and a future labor supply," he said.