

# Seed company reaches settlement with Justice Department

By SEAN ELLIS  
Capital Press

CALDWELL, Idaho — Crookham Co., an Idaho-based seed company, reached a settlement agreement with the U.S. Justice Department June 27 that resolves allegations the company discriminated against non-U.S. citizens who were authorized to work in this country.

According to the six-page agreement, Crookham agreed to pay a \$200,000 civil penalty to resolve accusations by the department that the company's employment eligibility verification practices violated the anti-discrimination provision of the

Immigration and Nationality Act.

Crookham denied engaging in unfair hiring practices and also did not admit to violating the act or any other law or regulation.

Crookham CEO George Crookham told Capital Press the company immediately took action and worked with the Justice Department to correct problems the department had with its employment documents.

"We were making some mistakes that we didn't realize were improper. We didn't want to discriminate against anybody," he said. "We had an issue with our documents (and) we did everything we could to fix (the problem)."

Vanity Gupta, head of the Justice Department's Civil Rights Division, said in a news release that the settlement and the company's approach to the matter "serve as a model for partnership between the Justice Department and employers who want to do the right thing."

"We commend Crookham Co. for its cooperation throughout the investigation and for its quick action to remove any unnecessary and unlawful barriers to employment for work-authorized non-citizens," Gupta said.

Based in Caldwell in southwestern Idaho, Crookham produces seed for hybrid sweet corn, onions and popcorn.

According to the agreement, the department concluded there was "reasonable cause to believe (the company) engaged in a pattern or practice of unfair documentary practices...."

Investigators found that the company required non-U.S. citizens to present specific or unnecessary documents to verify their employment eligibility that it did not require U.S. citizens to provide.

According to the Justice Department news release, these non-citizens were required to produce a permanent resident card or employment authorization card, but U.S. citizens were permitted to choose whichever valid documentation

they wanted to present to prove their authorization to work.

The INA allows all workers, including non-U.S. citizens, to choose whichever valid documentation they want to present from a list of acceptable documents. According to the news release, "it is unlawful for an employer to limit employees' choice of documentation because of their citizenship or immigration status."

Crookham voluntarily implemented measures to ensure future compliance and proactively underwent department-provided training on the INA's anti-discrimination provision, according to the Justice Department.

## Idaho revises proposed changes to field burning program

By SEAN ELLIS  
Capital Press

BOISE — Idaho environmental groups and public health advocates have balked at a revised proposal that would amend the state's crop residue burning program.

Department of Environmental Quality officials say the program changes are needed to avoid a large reduction in the number of allowable field burning days in Idaho.

To achieve that goal, DEQ initially proposed loosening the state's ozone standard while tightening the standard for small particulate matter, known as PM 2.5.

The changes are necessary because the federal ozone standard was tightened in October, which will result in a large reduction in allowable burn days in Idaho unless the state's program is changed, DEQ officials said.

DEQ can only approve field burning requests if ozone and PM 2.5 levels are not expected to exceed federal standards in the area.

After hearing from farm group representatives whose members are concerned about tightening the PM 2.5 standard, DEQ released a revised proposal that leaves the PM 2.5 standard unchanged.

Mary Anderson, who manages DEQ's crop residue burning program, said the department could not provide scientific justification that shows tightening the PM 2.5 standard would make it less likely that field burning in Idaho would impact public health.

Leaders of three of the state's main environmental and public health advocacy groups said it's not equitable to loosen the ozone standard but not tighten the PM 2.5 standard.

"We're being asked to lower the ozone standard in exchange for no public health protection," said Courtney Washburn, executive director of Conservation Voters for Idaho. "I'm really frustrated that we might lose all the work and effort everyone has put into maintaining this balance (between field burning and protecting public health) over a few burn days."

The stakeholders have met twice during negotiated rule-making meetings hosted by DEQ.

Before the third and final meeting July 20, DEQ will release a third draft proposal. After that meeting, the department will release a final proposal.

Tiffany Floyd, who manages DEQ's air quality division, said the second meeting June 23 revealed a lot about where the parties stand on the issue and she believes a proposal acceptable to everyone can be reached.

"I definitely think we can reach a compromise," she said.

Patti Gora-McRavin, who represents safe air advocates, said she's hopeful the two sides want to and can reach an agreement.

However, she said DEQ is going to have to tighten the PM 2.5 standard for a consensus to be achieved.

## Difficult year for Washington apple exports

By DAN WHEAT  
Capital Press

WENATCHEE, Wash. — It's been a tough year for Washington state apple exports, with some large markets losing significant volume and some small markets disappearing altogether.

A strong dollar devaluing the buying power of foreign currencies and a relatively small 2015 crop keeping prices strong have combined to reduce exports by 32 percent compared with the record large apple crop of 2014.

But there are bright spots and the picture isn't all that bad given the aforementioned factors, said Todd Fryhover, president of the Washington Apple Commission, the industry's export promotional organization.

"I want numbers to be up but when you look at a (small) 115 million-box crop, we're pretty happy," Fryhover said.

When prices are high and volume is low there's more incentive to sell fruit domestically instead of assuming the risk and costs of shipping overseas and facing competition from other apple exporters, he said.

Fryhover expects exports from the 2015 crop to finish the year at 28 percent, or 32.2 million boxes, down from 35 percent and 48.7 million boxes from 2014. He has encouraged exporters to make greater use of the generic Washington apple logo to build identity with consumers.

Brazil, Venezuela, most of



A worker packs apples at a Washington state facility.

Dan Wheat/Capital Press

Africa, Bangladesh, Maldives and Morocco all disappeared as export markets for the 2015 crop after buying small amounts in 2014.

A lot of that, Fryhover said, has to do with 2014 being such a huge crop that prices fell to levels those countries could afford to buy.

Brazil bought 13,589 boxes in 2014 but has never been a big market because it grows apples and its economy is weak, he said.

Outside any trade agreement, dealing with food shortages and being a dictatorship not friendly to the U.S., Venezuela has fluctuated between being open and closed to U.S.

apples. It bought 5,476 boxes in 2014.

Bangladesh bought 36,424 boxes.

"It's cheap, cheap, cheap," Fryhover said of Bangladesh.

"At \$10 a box you can sell there. Anything above and you're out, so if you see the numbers go up in Bangladesh, we're in trouble (in pricing)," he said.

Russia has been the loss of a 500,000-box market since banning Western produce on Aug. 7, 2014, in retaliation for Western sanctions for Russian aggression in Ukraine.

The greatest volume declines have been in Washington's two largest export mar-

kets, Mexico and Canada.

Mexico recently ended anti-dumping tariffs, which helps stabilize that market, but the value of the peso has shrunk 20 percent against the dollar in the past year, Fryhover said.

Mexico is down 37 percent at 7.1 million boxes compared with 11.4 million a year ago. It finished the large 2014 crop year at a record 16 million boxes, and Fryhover thinks it will finish this season at 9 million to 10 million boxes.

That's not bad, he said, on a 115 million-box crop.

Canada's currency is devalued and its economy has been hit by the shrinkage of its oil industry, he said. Canada is

down 17.7 percent at 4.7 million boxes versus 5.8 million a year ago. It finished 2014 at 7.1 million boxes.

India, United Arab Emirates, Saudi Arabia and Vietnam also had large volume drops.

India's ports were closed to U.S. apples for awhile, but the strong dollar is the main reason apple imports have fallen 58 percent to 2.2 million boxes from 5.4 million a year ago.

Vietnam has dropped to 925,867 boxes from 1.57 million. But that's because it's dried up as a "gray market" channel into China after China opened its borders to all U.S. apples in the spring of 2015, Fryhover said.

"Our rep there feels it's really 10 to 15 percent growth in our apples consumed in Vietnam," he said. "They like our varieties, our food safety conscience and pay good money for good fruit. It's really a shining star in Southeast Asia."

China is a bright spot, growing to 1.1 million boxes, up from 1 million a year ago. The industry has high hopes for it to grow into a much larger market. But right now it's a little clouded by a shrinking economy, Fryhover said, noting it's the No. 1 apple export market for Chile and New Zealand.

The Dominican Republic and Colombia also look good for the future in the 500,000-box range, despite declining this year, because they are willing to pay for high quality, he said.

## After spraying, Washington, Oregon search for gypsy moths

### States put out thousands more traps

By DON JENKINS  
Capital Press

Washington and Oregon are intensifying their annual summer hunts for gypsy moths, checking whether aerial spraying eradicated the leaf-eating pest.

The Washington State Department of Agriculture last month began nailing to trees 34,000 pheromone-baited traps, including 2,500 in Eastern Washington.

WSDA last year set out 19,000 traps, all in Western Washington.

The Oregon Department of Agriculture in May began to put up 17,000 traps, an increase over the 15,000 used last year.

Both states plan to have all



Don Jenkins/Capital Press

Washington State Department of Agriculture gypsy moth trapper Jennifer Berg nails a trap to a tree June 20 at a park along the Columbia River in Vancouver. WSDA is intensifying the annual hunt for European and Asian gypsy moths this summer to see whether spraying was effective.

traps up by mid-July and will check them into the fall.

The stepped-up trapping is a response to last summer's catch.

WSDA trapped 42 moths, the most since 2006. More worrisome, the department caught 10 Asian gypsy moths,

the first detected in Washington since 1999.

In Oregon, 14 gypsy moths were trapped, including two Asian gypsy moths in Portland.

Asian gypsy moths are seen as bigger threats than the more-common European

gypsy moths.

As caterpillars, Asian gypsy moths eat a wider variety of plants and trees, including conifers.

Asian gypsy moths can spread more rapidly over large areas because the females and males both fly. Female European gypsy moths are flightless.

WSDA also detected a growing European gypsy moth population in Seattle's densely populated Capitol Hill neighborhood.

WSDA responded by spraying the pesticide *Bacillus thuringiensis* var. *kurstaki*, commonly known as Btk, over seven sites totaling 10,457 acres.

ODA sprayed Btk over 8,800 acres in Portland.

To follow up, both states will trap most extensively in areas where Btk was applied. Workers will put out up to 36

traps per square mile in some places.

ODA also will place a high number of traps along the Columbia River between Portland and Astoria.

Asian gypsy moth egg masses are most likely to enter the U.S. attached to ocean-going vessels.

In Eastern Washington, WSDA will trap most heavily in cities, parks, campgrounds and along the Columbia and Snake rivers, a spokesman said.

European gypsy moths are well established in the Eastern U.S. Egg masses come West attached to personal belongings.

For three decades, the two states have been successful in suppressing gypsy moths. The Northwest's gypsy moth population threatened to take off in the mid-1980s. At the peak, WSDA trapped 1,315 gypsy moths in 1983.

## EPA says it will take months to hand over What's Upstream files

By DON JENKINS  
Capital Press

A Washington farm group won't have to pay \$2,000, but may have to wait until mid-December for the Environmental Protection Agency to fully release its "voluminous" records related to the What's Upstream advocacy campaign.

Reversing an earlier decision, the EPA says it would be in the public interest to waive the fee for Save Family Farming, a group formed in March to respond to What's Upstream.

The group has pledged to widely distribute the information it receives, but has also hinted at legal action. The group maintains What's Upstream has harmed farmers by



Don Jenkins/Capital Press

claiming they are unregulated polluters of water.

Save Family Farming director Gerald Baron said Monday he was surprised by EPA's reversal, but disappointed by the agency's time line for turning over the records.

The EPA has told the group in a letter that it may release some records by July 29, but

providing everything Save Family Farming asked for could take until Dec. 15.

The agency stated it will work diligently and provide information on a "rolling basis," but that it will need time to compile the "voluminous amount of records."

Baron said the EPA has simultaneously downplayed its role in What's Upstream while maintaining it will have to collect records from several agency offices.

"How can there be voluminous records if EPA's involvement was minimal?" he asked.

An EPA official stated the information request was broad enough to make the agency uncertain how many documents are involved.

Save Family Farming

asked for records regarding communications between the EPA, the Northwest Indian Fisheries Commission, the Swinomish Indian tribe, several environmental groups and Seattle lobbying firm Strategies 360.

The fisheries commission sub-awarded an EPA grant for Puget Sound restoration to the tribe. The tribe apparently spent much of an estimated \$570,000 to hire Strategies 360 to develop a media campaign, according to EPA records that were previously made available.

The campaign's goals included building grass-roots support for mandatory 100-foot buffers between farm fields and waterways.

Some federal lawmakers have accused EPA of blatantly

breaking the law by funding a lobbying campaign with taxpayer dollars.

An audit by the EPA's office of the inspector general into whether federal funds were misspent is in its early stages, an EPA official said Monday.

House Agriculture Committee Chairman Mike Conaway, R-Texas, has asked for the agency's records on What's Upstream.

"EPA has been in touch with the committee, and it's our understanding that documentation is nearing completion," a committee spokeswoman said in an email Tuesday.

EPA's Northwest administrator, Dennis McLerran, has stated the agency offered only "technical input."