

USDA extends comment period for organic checkoff

By CAROL RYAN DUMAS
Capital Press

The USDA Agricultural Marketing Service has extended to April 19 the comment period on a proposed organic checkoff to “ensure that interested persons have sufficient time to review and comment on the proposal.”

The proposal was published in the Federal Reg-

ister Jan. 18 with a 60-day comment period to close on March 20.

Developed by the Organic Trade Association, the checkoff could provide more than \$30 million annually, and 50 percent to 75 percent would be earmarked for research and related activities, such as technical assistance and dissemination of research findings.

OTA says the checkoff would help the burgeoning organic industry meet demand by supporting more organic acreage and the success of organic producers.

It would also help the industry educate consumers and increase market opportunity.

The No Organic Checkoff Coalition, however, opposes the checkoff, contending

as little as 12.6 percent of checkoff funding could go to research under the proposal and that promoting sales now would only increase imports and lower prices to U.S. organic farmers.

In a press release on Friday, OTA urged USDA to avoid further delays once the extended comment period expires “in making this innovative program a reality that

will help advance the growing organic sector and have important and long-lasting benefits for organic farmers, businesses and consumers alike.”

OTA noted the public support of nearly 1,400 organic stakeholders and the proposal’s overwhelming support, 10 to 1, thus far in the comment period.

Capital Press did not im-

mediately hear back from the Coalition on Friday, but it earlier stated its petition against the checkoff has received nearly 1,900 signatures from organic stakeholders and support from 25 organic farming organization representing more than 6,000 farmers.

For more information and to comment, visit www.regulations.gov

Labor shortage, wage laws among top concerns for California produce growers

By TIM HEARDEN
Capital Press

SALINAS, Calif. — Issues related to labor are the top concerns for produce growers and handlers along California’s Central Coast in 2017, according to a survey by the Grower-Shipper Association.

The ongoing worker shortage and wage and employment regulations were the top two issues for growers in the survey, which received responses from more than two-thirds of the trade organization’s nearly 400 members.

Specifically, producers are concerned with immigration reform, farmworker housing, labor costs, wage and hour compliance and legislation, according to a news release.

Responses to the questionnaires guide the GSA’s board in setting work priorities for the coming year. The GSA advocates for produce growers and shippers in Monterey, Santa Cruz, San Benito and Santa Clara counties — the so-called salad bowl of the nation.

“In California in particular, agriculture is at a competitive disadvantage because we are subject to lots of laws and regulations, more so than other states,” said James Bogart, the Salinas-based GSA’s president and general counsel. “It makes it a challenge for farmers to operate.”

Among other concerns for growers were water, food safety, crop protection and pesticide use, health care costs, workers’ compensation, land use issues, theft and



Tim Hearden/Capital Press

Workers at Castroville, Calif.-based Ocean Mist Farms prepare fresh spinach for shipping on Feb. 21. Labor costs were among growers’ top concerns in a Grower-Shipper Association survey of farms.

vandalism and the progress of research and technology, according to the survey.

While the GSA meets with legislators and is “pretty plugged in on bills,” Bogart said, the group also specializes in labor and employment law. For example, when workers in various industries staged walkouts recently to protest against President Donald Trump’s immigration policies, the GSA urged business owners not to retaliate because the walkouts are protected under both the Agricultural Labor Relations Act and National Labor Relations Act.

The survey comes as the Almond Alliance of California and other farm groups are trying to make previously enacted legislation a little more palatable to growers. For instance, the ag overtime law passed last year eliminated an exemption for overtime after 8 hours in a day for managers and family members, which exists in every other industry, and eliminated exemptions for ag irrigators and truck drivers.

Under the legislation by Assemblywoman Lorena Gonzalez, D-San Diego, farmworkers will be paid for



Tim Hearden/Capital Press
James Bogart, president and general counsel of the Salinas, Calif.-based Grower-Shipper Association, stands outside the organization’s headquarters. Labor-related issues led grower concerns in a GSA survey of farms. The results were published last week.

overtime after eight hours in a day and 40 hours in a week rather than the 10-hour day and 60-hour week for agriculture that existed previously. The new rules will take effect in 2022 for most farms and 2025 for operations with 25 or fewer employees.

A survey of Western Growers members last fall found that many produce farmers will try to contain their labor costs by reducing California production, shifting to less labor-intensive crops and through mechanization. A little more than 80 percent of farms will reduce hours for farmworkers, who will lose 15 hours and \$180 in income a week on average, according to that survey.

“I think what got lost in that debate is, I wonder how many people ... knew at the time that California had the only daily overtime for farmworkers to begin with,” Bogart said.

Feds: Chinese fertilizer dumping warrants countervailing duties

Ammonium sulfate from China has ‘materially injured’ U.S. manufacturers

By MATEUSZ PERKOWSKI
Capital Press

Shipments of subsidized ammonium sulfate fertilizer from China have harmed U.S. manufacturers and will be subject to duties, according to federal trade regulators.

The U.S. International Trade Commission has determined the U.S. industry is “materially injured” by the Chinese dumping of the fertilizer, which the U.S. Department of Commerce has found to be sold at “less than fair value.”

As a result, ammonium sulfate from China will be subject to countervailing duties of more than 200 percent.

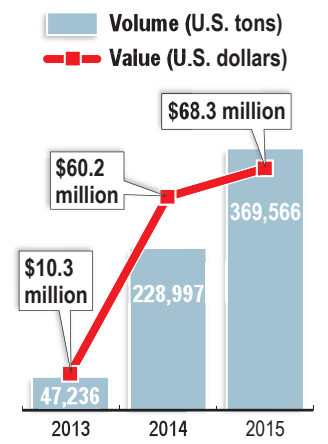
Federal trade authorities began investigating imports of ammonium sulfate from China last year after a U.S. company, PCI Nitrogen, complained that the nation had increased shipments of the fertilizer to the U.S. by eightfold between 2013 and 2015.

Chinese manufacturers controlled about 12 percent of the U.S. market for ammonium sulfate in 2015, up from 2 percent two years earlier, which drove down domestic prices by roughly 25 percent, PCI Nitrogen claimed.

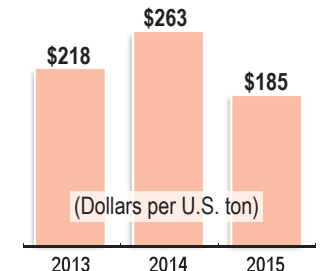
“Producers in China are expanding capacity to produce ammonium sulfate well beyond any forecasted increase in global demand,” according to PCI Nitrogen’s petition. “Much of this new capacity will be targeted at

Ammonium sulfate imports from China

Annual volume and value totals since 2013 ...



... and annual average unit value since 2013.



Source: U.S. International Trade Commission
Capital Press graphic

export markets and the U.S. market, in particular.”

The fertilizer is a niche nitrogen product in the U.S., where it’s used by farmers who also want to increase sulfur levels in their soil.

Prices for ammonium sulfate had dropped in the U.S. despite rising demand for the fertilizer, likely due to the glut of Chinese product flowing into country, according to a preliminary finding by the U.S. ITC.

China exported roughly \$700 million worth of ammonium sulfate in 2015, with less than one-tenth getting shipped to the U.S., where the fertilizer is manufactured in 11 states, the agency found.

Pesticide alert proposal stalls in Washington legislature

Drift happens, but rarely, farmers say

By DON JENKINS
Capital Press

OLYMPIA — Legislation to require farmers to alert neighbors at least two hours before spraying pesticides has died for this year, though it’s likely to resurface in the future.

Farmworkers gathered in a conference room Monday on the Capitol Campus to talk about their issues, including the risk of being exposed to drifting pesticides.

Ramon Torres, president of the farmworker union Familias Unidas por la Justicia, said he hopes lawmakers someday will require pre-spray notifications. “It’s something we should push for,” Torres said in an interview, speaking through a translator.

House Bill 1564 was championed by Columbia Legal Services, a nonprofit legal firm supported by charities and public legal aid programs.

The bill also would have required growers to submit monthly reports on pesticide use to the state Department of Health or risk being fined up to \$7,500 per violation. The mass of information would help identify connections between pesticide use and farmworker illnesses, Columbia attorney Joe Morrison said.

The measure received a hearing, but failed to meet a deadline to move from the House Health Care Committee. No state agency asked for the bill. The committee’s chairwoman, Rep. Eileen Cody, D-Seattle, said she wanted farm groups and worker representatives to agree on a policy.

“We’re going to keep



Don Jenkins/Capital Press

Ramon Torres, president of farmworker union Familias Unidas por la Justicia, speaks Feb. 27 on the Capitol Campus in Olympia at a farm labor forum. The workers say they need additional safeguards from pesticide drift. A bill that would have required farmers to alert adjacent property owners at least two hours before spraying appears to be dead for this legislative session.

fighting until we get something that protects workers,” Morrison said in an interview Monday. “We’re not fighting spraying. It’s just, tell your neighbor.”

Farm lobbyists said complying with the bill would have been expensive and handicap farmers reacting to pests and diseases.

They said pesticide drift incidents are rare, but an inevitable product of changing winds and human error.

To make drifts even rarer, lawmakers should give the state Department of Agriculture more money to train workers, said Washington Potato and Onion Association lobbyist Jim Jesernig, a former WSDA director.

“These people are very good, very competent. How do I know? I ran the department of ag for nine years,” he said.

In a recent report, Colum-

bia Legal Services asserts that the number of pesticide drift incidents is increasing.

The claim is based on state Department of Health figures. According to the department, the number of events in which humans were exposed to drifting pesticides from agricultural applications increased from 15 in 2012 to 24 in 2015. Figures for 2016 are not yet available.

WSDA investigates drift incidents and fines agricultural applicators who expose people to pesticides. WSDA issued 11 such fines in 2015, five in 2016 and two so far this year, according to department records.

Morrison and Torres said many pesticide drift incidents go unreported, a position stated in past health department reports.

Jesernig estimated that more than 500,000 agricultural pesticide applications

take place in Washington each year. Federal and state agencies tightly regulate how the chemicals are used, he said.

“Any indication that there is not a regulatory system and quality people in place protecting people is not true,” he said.

Under HB 1564, adjacent landowners alerted to upcoming pesticide applications would have been obligated to warn anyone expected to come onto their property.

The notifications would have had to list the pesticides and active ingredients, along with other information about the applicator and phone numbers to report pesticide exposure.

Torres leads the union representing workers at Sakuma Brothers Farms, a berry farm in Skagit County. The union and farm are negotiating a contract for the upcoming season.

House memorial seeks fairness on food safety standards

By SEAN ELLIS
Capital Press

BOISE — A Canyon County farmer has introduced a House Joint Memorial that asks Congress to ensure foreign food products imported into the U.S. meets the same food safety standards that domestic farmers and food processors must meet.

“I don’t think that is asking too much,” HJM1 author Sid Freeman told members of the Idaho House Agricultural Affairs Committee, which voted unanimously to send the memorial to the House floor, where it is awaiting a vote.

Foreign food product imports are required to meet the same standards on paper, but in reality no one is sure whether those requirements are actually being met, he said.

“The criteria is there” to require foreign food imports to meet the same standards, he added. “But nobody can show where that is actually being done.”

“Information on documents is pretty easy to put together,” Freeman told Capital Press later. “But it’s the in-field inspections that we don’t know for a fact are being done.”

Freeman said U.S. farmers and food companies are

required to pay for their own audits and USDA inspections to confirm their products meet U.S. standards.

The memorial asks that the cost of any audits or inspections required to ensure that foreign food imports meet the same standards be “paid in full by the foreign companies themselves. ...”

If it is passed by the state House and Senate and signed by the governor, the memorial will be sent to the U.S. House of Representatives and Senate.

Members of Food Processors of Idaho, which represents most of the state’s main agricultural groups, voted to oppose the memorial.

Elizabeth Criner, who represents the Northwest Food Processors Association, said, “There were some inaccuracies that raised some concerns and we’re working with proponents of the memorial to try to get those corrected.”

FPI lobbyist Wyatt Prescott, an Idaho Cattle Association lobbyist, said his industry is concerned about language in the bill that addresses the World Trade Organization’s 2015 ruling against the U.S. Country of Origin Labeling law. Congress repealed the law after the WTO ruled it violated trade agreements with Canada and Mexico.