

Washington raspberry growers eye trade practices

Commission sees Trump as possible ally

By DON JENKINS
Capital Press

The Washington Red Raspberry Commission has retained a law firm to look into whether foreign competitors are harming U.S. growers with unfair trade practices.

The commission's executive director, Henry Bierlink, said the group has not identified any particular country or practice, but farmers are seeing prices in the past few months "dramatically" below the cost of their production.

The commission also is looking at a rarely used U.S. trade law that allows the president to take action to safeguard domestic industries, even in cases where the U.S. has not documented unfair practices. The law has not been invoked since 2002.

Bierlink said that the commission would be pursuing information about competitors' trade practices in any event, but growers are mindful of President Donald Trump's comments and early actions on trade.

"The rhetoric from our current president suggests there may be a different approach," he said.



Courtesy of Washington State University

Red raspberries hang from the cane. The Washington Red Raspberry Commission has hired a law firm to look into growers' concerns that foreign competitors are selling berries below the cost of production.

"We're not jumping into things. We're letting it be known we're aware of tools," Bierlink said. "We will use them if we need to."

The commission represents about 120 growers, with approximately 90 percent of them concentrated in Whatcom County in north-west Washington. The state produces more red raspberries for processing than any other.

The growers compete in the U.S. market with raspberries from other countries, including Canada, Chile and Serbia. In the past three de-

acades, the commission has twice successfully petitioned for trade sanctions against foreign competitors.

Bierlink said that Washington growers have not yet been harmed by low prices. The commission hired the Washington, D.C., legal firm King & Spalding about six weeks ago to review data, he said.

The law firm represented red raspberry growers in a case against Chile in 2002. The U.S. International Trade Commission ruled that Chile was dumping individually quick frozen berries into the

U.S., driving prices below the cost of production in the U.S. The Department of Commerce imposed duties on Chilean imports.

In 1984, the trade commission ruled several British Columbia red raspberry importers were undermining U.S. growers. Canadian growers were aided by a provincial insurance program that made up the difference between low market prices and the cost of production, according to the trade commission's report.

Besides looking at whether foreign competitors are dumping berries or enjoying government subsidies, the law firm will help the commission determine whether to seek help under Section 201 of the Trade Act of 1974.

The provision allows the president to provide relief if the trade commission finds increased imports are seriously damaging an industry.

The law was last used in 2002 by President George W. Bush to safeguard the steel industry. The World Trade Organization overturned the order the following year. Previously, the law had been invoked 18 other times, providing safeguards to products such as lamb meat, wheat gluten and mushrooms, according to the Georgetown Journal of International Law.

Sales of Northwest pears are slow

By DAN WHEAT
Capital Press

PORTLAND — Pacific Northwest fresh pear sales are slower than they should be this season, given a small crop, says Kevin Moffitt, president of the Pear Bureau Northwest in Portland.

The 2016 crop is estimated at 18 million, 44-pound boxes, as of April 21, with 2.5 million left to sell versus 1.7 million left to sell out of an 18.4-million-box crop at the same time a year earlier, Moffitt said.

"It's not the worst year but we're definitely behind in shipments," he said.

The record crop was 21.69 million in 2013.

Usually a smaller crop sells out quicker but pears have been slowed this season by the large apple crop, by getting less shelf space and growth of imported berries and cut fruit, Moffitt said.

Only red and green d'Anjou and Bosc are left to sell. Green d'Anjou is 76 percent shipped for the season versus 84 percent at this time

last year. Red d'Anjou is 78 percent shipped compared with 95 percent last year and Bosc is 92 versus 94, he said.

"It's not the worst year but we're definitely behind in shipments."

Kevin Moffitt, president of the Pear Bureau Northwest

Bosc is the greatest concern because it's usually sold out by mid-April and needs to be so it's not competing with fresher Southern Hemisphere imports, he said. Anjou usually ships into July but also will compete with imports and with fresh California crop by the end of June, he said.

Despite slow sales prices have not been terrible, Moffitt said. Packers and growers are not losing money, he said.

Yakima and Wenatchee prices of d'Anjou were \$23 to \$27 per box for U.S. No. 1 grade, size 80s on April 24 versus \$26 to \$30.90 a year earlier, according to USDA. Bosc was \$26.50 to \$28 and was sold out a year earlier.

From start of season last August to mid-March retail pear ads have been down 5 percent compared to a year ago while apple ads have been up 30 percent, he said.

Law professor tells producers to keep cool if ICE shows up

By ERIC MORTENSON
Capital Press

An Oregon law professor says producers need to keep their cool, ask questions, take pictures and be prepared to help detained employees if agents from the federal Immigration and Customs Enforcement agency show up at an orchard, vineyard, dairy or other ag facility.

Susan Felstiner, who teaches at Lewis & Clark College in Southwest Portland, was part of a panel discussion at an Immigration Forum put on in late April by five Oregon producer groups. With immigration issues and labor shortages hot on producers' minds and farmworkers fearful that they'll get swept up in raids, Felstiner said it's easy to get caught up in emotion.

She offered steps to head off problems and protect the rights of producers and employees.

- Owners should mark parts of their businesses as private. ICE agents don't need an owner's consent to enter the public area of a business, but entering a private office, for example, would require a warrant. Fields should be posted as private property as well, she said.

- If agents arrive, have employees tell them to wait in a designated public area while the owner contacts an attorney, "So they don't go wandering around," Felstiner said.

- Keep employees' I-9 forms and supporting documents together in a secure place. The I-9 forms are ones by which employees show they can legally work.

- Determine if agents have a warrant, and what kind. An ICE administrative warrant usually gives them authority to detain an individual, Felstiner said, while a broader judicial warrant gives them authority to search the premises.

- If agents have a warrant, take a photo of it with your phone and send it to your attorney, Felstiner said. Write down names, badge numbers and agencies involved. Video shot with cell phones has become an important tool to document officers' behavior, she said, but it's important not to obstruct agents. Stand about 10 feet away.

"You shouldn't do any harboring (of undocumented employees) or hiding, or aid in escaping, provide false information or shred documents," she said.

- In case of an arrest, remember your personal right to remain silent, and brief employees ahead of time on their



Eric Mortenson/Capital Press

Oregon producer group representatives hosted an Immigration Forum in Newberg last month. From left are Jeff Stone of the Oregon Association of Nurseries; Jana McKamey of the Oregon Winegrowers Association; Dave Dillon of the Oregon Farm Bureau; and Tom Danowski of the winegrowers.

rights. If an employee is detained, ask where he or she is being taken, and follow up to track their location.

- If an employee is arrested, think about helping the family hire an immigration attorney, Felstiner said. Consider paying the bond amount so the detainee can be released pending a hearing, and make sure any money owed to the employee is paid.

Felstiner works at Lewis & Clark Law School's Small Business Legal Clinic. She's a founding member and past president of the Oregon Hispanic Bar Association. In addition, she's a member of the Hispanic National Bar Association and Oregon Women Lawyers.

The Immigration Forum, held April 20 in Newberg, involved the Oregon Farm Bureau, Oregon Association of Nurseries, Oregon Winegrowers Association, Oregon Cattlemen's Association and Oregon Dairy Farmers Association. Close to 200 producers attended. The meeting was closed to the media, but representatives of three groups spoke to the Capital Press afterward about what was said and the mood inside.

All agreed workers are scared by the tough talk coming out of the Trump administration about a crackdown on illegal immigration, especially because even though the worker may be documented, a husband, wife or children might not be.

Tom Danowski, CEO of the winegrowers group, said there is a "chilling effect" on employees, with some afraid to drive to work or take their children to events such as athletic practices.

Jeff Stone, executive director of the nursery association, said there is a "pervasive fear more tangible and real than we've seen in the past."

He said the agricultural labor shortage is severe, and for

nurseries represents a cap on growth. Nurseries have recovered from the recession, he said, but some are operating with 40 percent to 50 percent of the labor force they could use. As a result, some who could grow their business 25 percent are growing at a rate of only 2 or 3 percent because they don't have sufficient labor, Stone said.

Representatives from ICE and other staff from the U.S. Department of Homeland Security attended the forum and took questions from producers. According to producers, the ICE representatives said they are not going on big sweeps or raids to catch undocumented immigrants. Instead, they've enhanced what Obama ad-

ministration did; they go after targeted felons, and if other illegals are in the vicinity, they sweep them up, too. Under Obama, they let go the ones who were simply undocumented.

The ICE officials said a highly publicized Feb. 24 incident in Woodburn, Ore., was an example of that policy. Agents stopped a pair of worker transport vehicles, seeking two men wanted on criminal charges, and ended up detaining 11 people on allegations they were in the country illegally.

Dave Dillon, executive vice president of the Oregon Farm Bureau, said despite fear of an ICE crackdown, there's "more smoke than fire" at this point.

Capital Press names editor and publisher

Joe Beach has been named editor and publisher of the Capital Press.

The announcement was made April 21 in Salem by Steve Forrester, president and CEO of the EO Media Group, and Kathryn Brown, secretary-treasurer of the EO Media Group — the parent company of the Capital Press.

"Kathryn and I were impressed with the rich field of candidates. We believe that Joe is exceedingly well equipped to move the Capital Press to a new level in its basic news product, as well as all of the newer forms of delivery and product lines we might develop," Forrester said.

Beach has been in the newspaper business for 37 years, beginning his career as a part-time features writer at the Terre Haute Tribune while studying journalism at Indiana State University.

After graduation he was named editor of Indiana Agri-News, a weekly farm publication. He has since held top editorial positions at a number of publications, and has served stints as publisher of three daily newspapers.

Beach was named editor of the Capital Press in



Joe Beach

November 2008, and since August 2014 has also managed the EO Media Group/Pamplin Media Group state-house bureau. He will retain those duties in his new role as editor and publisher.

He's been married to his wife, Rebecca, for 32 years. They have two children — Jessica and Jacob.

"It is an extreme honor to have been chosen to lead the Capital Press, and I appreciate the trust Kathryn and Steve have placed in me," Beach said. "The Capital Press has a unique relationship with its readers and advertisers. I look forward to working with everyone at the paper, the most talented people I've known in my time in the business, to continue that tradition as we diversify the products we offer."

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