

Farmworker appreciation event set for Caldwell

By **BRAD CARLSON**
Capital Press

An event that aims to show appreciation for southwest Idaho farmworkers while providing access to free medical and hearing screenings, educational services and other information is slated for Oct. 21 in Caldwell.

The first AgroFiesta, from noon to 4 p.m. Mountain time at O'Connor Field House, 2207 Blaine St., is intended to celebrate and thank farmworkers across the Treasure Valley, co-sponsor Community Council of Idaho said in a release.

Families and individuals who show proof of agricultural employment, such as a pay stub, will get in free. The event will feature food, entertainment and booths with information about various programs that may benefit farmworkers and their families.

"They contribute so much to the community in general," Community Council spokeswoman Sonnay Alvarez said in an interview. "And as far as food and the economy, they contribute a lot."

Most farmworkers do strenuous work to provide for their families, who also contribute to their communities,



Brad Carlson/Capital Press

Sonnay Alvarez of the Community Council of Idaho says AgroFiesta in Caldwell will celebrate farmworkers and emphasize services available to them.

she said.

Estimated agricultural employment in Idaho averages 50,040 per month, down by 2.8 percent from last year, Idaho Department of Labor figures show. The typical high is in October, which is projected to be 61,555 this year compared to 61,127 in 2017. About 74 percent are hired, 25 percent operator-supplied and 1 percent unpaid family.

Jennifer Uranga owns Mountain West Ag Consulting and is H-2A foreign guestworker manager for the Marsing Ag Labor Sponsoring Committee.

"It is a great outreach opportunity for the workers and the Community Council," she said of AgroFiesta. "For the workers, whether they are foreign or domestic, it's a great opportunity to step away from the farm and enjoy."

Health screenings and information are an important aspect of the event, Uranga said. Most farmworkers are not covered by health insurance, because they are seasonal or because they opt out due to a lack of affordability. "It hits home for seasonal farmworkers who may be making \$12 an hour or less," she said.

Employee turnover continues to challenge farmers, many of whom have raised pay to stay competitive with other job opportunities, such as construction work or even different work within agriculture, she said.

Alvarez said a farmworker appreciation event was held in previous years but lost focus as it grew. AgroFiesta will strive for a celebratory atmosphere while emphasizing services that can benefit farmworkers and their families, she said.

She said Caldwell-based Community Council of Idaho in 2017 housed 83 farmworker families in five locations in southern Idaho. The organization also has health clinics, immigration-related legal services, employment and training services and an educational unit that includes 10 Head Start preschool sites.

Other event sponsors include the Idaho Department of Labor, the Mexican Consulate in Boise, Family Medicine Health Center, Boise State University's high school equivalency program, the Nampa School District migrant education program and Center for Community and Justice.

Additional sponsor support is sought, Alvarez said.



Capital Press File

Harvested almonds are poured into a bin to be lifted onto a truck in an orchard near Gerber, Calif.

Tariff mitigation announced for Calif. almond growers

By **DAN WHEAT**
Capital Press

MODESTO, Calif. — California almond growers are eligible to apply for direct payments of 3 cents per pound as part of the \$12 billion retaliatory tariff mitigation package from USDA.

The application period for the Market Facilitation Program is from Sept. 24 through Jan. 15 and is administered by the Farm Service Agency. Specific requirements must be met and the maximum payment per applicant is \$125,000, the Almond Alliance of California, in Modesto, announced Sept. 21.

UC-Davis has estimated almond losses due to Chinese tariffs alone at \$1.6 billion. California produces about 80 percent of the world supply.

Elaine Trevino, alliance president, credited a unified effort by the industry and support of House Majority Leader Kevin McCarthy and Rep. Jeff Denham, both California Republicans, for leading other members in securing the direct payments.

Almonds are one of California's top three valued commodities and a leading agricultural export. The industry exported \$4.5 billion of product, 67 percent of the crop, in 2017. About 67 percent of annual almond production is exported.

While helpful, the mitigation doesn't begin to approach anticipated economic losses and long-term impact of the retaliatory tariffs, Trevino said.

The industry is expecting a record 2.45-billion-pound crop this fall, up 7.9 percent from 2017.

Oregon regulators seek dismissal of Tillamook pollution lawsuit

Hayes Oyster Co. claims inadequate dairy regulation to blame for harvest restrictions

By **MATEUSZ PERKOWSKI**
Capital Press

Oregon's environmental regulators have asked a state judge to dismiss a lawsuit alleging that controls over dairy pollution in the Tillamook basin are insufficiently strict.

The complaint was filed by oysterman Jesse Hayes, who claims that excessive fecal coliform bacteria has curtailed or shut down harvest from his oyster beds in the Tillamook Bay.

Attorneys representing Oregon's Department of Environmental Quality asked Tillamook County Circuit Judge Mari Garric Trevino to throw out the case before it goes to a jury trial, which is currently scheduled for three days beginning on Oct. 23.

Much of the oral arguments on Sept. 21 centered on procedural matters.

The state government claims its "total maximum daily load" regulation for fecal coliform bacteria in the rivers flowing into Tillamook Bay is a final agency order that can only be challenged through an administrative process.

Since the TMDL was set in 2001 and the deadline for such an administrative objection has long expired, it's too late for Hayes to fight the order, according to DEQ.

Hayes, on the other hand, claims that DEQ's regulation is a rule change that can be chal-



Courtesy of Jesse Hayes

A Hayes Oyster Co. employee pulls bags of oysters from Tillamook Bay before they are graded and packaged.



Mateusz Perkowski/Capital Press

The Tillamook County, Ore., Court House. A judge is hearing a lawsuit challenging how the state regulates fecal coliform bacteria levels in area rivers.

lenged in state court, since the ongoing deposition of fecal coliform bacteria is a "continuing tort" that harms his oyster beds.

"It's hard to hold any one dairy farmer accountable for what's going on in the bay," said Thomas Benke, the attorney for Hayes, explaining why the lawsuit targeted DEQ rather than individual operations.

Even if the judge decides the TMDL was an order, Hayes should still be allowed to challenge the regulation because he was never served with a formal

notice of the government's action, his attorney claimed.

Sadie Forzley, an attorney for DEQ, said there was "no legal basis" requiring such formal service to Hayes, since he could have participated in the same public process as other people affected by water quality issues.

Trevino, the judge, appeared to question that conclusion, at one point saying that "it just doesn't make sense to me that he wouldn't be noticed."

"His property is affected probably more than anyone in the watershed," she said.

The state government also claims that it cannot be held liable for injuries caused by third parties, since the alleged dairy pollution isn't occurring on

state property.

There's no basis to regard Oregon's permit for "confined animal feeding operations" as unlawful, but if that were the case, then Hayes should challenge the CAFO permit and not the TMDL regulation, Forzley said.

Hayes isn't challenging the CAFO permit in the current litigation but he is considering legal action against the Oregon Department of Agriculture, which oversees that program, Benke said.

After the hearing, Benke told Capital Press that if the oyster company cannot get the state to reconsider the TMDL regulation then he'll have no choice but to challenge the CAFO permits.

EPA challenges ban on chlorpyrifos

By **DON JENKINS**
Capital Press

The Environmental Protection Agency asked the full 9th U.S. Circuit Court of Appeals on Tuesday to reconsider its ruling banning chlorpyrifos, arguing that the two judges who outlawed the widely used pesticide overstepped their authority.

In a statement supporting the EPA, USDA Secretary Sonny Perdue said farmers stand to lose an effective and economical way to protect more than 50 crops, including corn and soybeans.

"The costs of an incorrect decision on chlorpyrifos are expected to be high and would cause serious impacts to American farmers working to feed, fuel and clothe the United States and the world," he said. "For some crops and target pests, chlorpyrifos is the only line of defense, with no viable alternatives."

A three-judge panel representing the circuit court sided 2-1 with environmental groups that chlorpyrifos must be banned in the face of evidence that residue on food causes neurodevelopmental damage to children. The USDA disputes that chlorpyrifos is a health risk. The EPA says the science currently doesn't support a

ban, but it needs more time to make a final judgment.

The court's majority was unwilling to give EPA more time and ruled Aug. 9 that the agency had 60 days to cancel all uses of chlorpyrifos. Since then, the agency has compiled a list of 79 registered pesticide products that contain it.

In a court filing Tuesday, the EPA argues that the judges didn't have authority to intervene and order a ban while the agency was still reviewing the effects of chlorpyrifos on humans and the environment.

The EPA also claims that the ban is too broad because it would also apply to non-food uses at nurseries, sod farms and elsewhere.

The Pesticide Action Network of North America and the Natural Resources Defense Council petitioned the EPA in 2007 to ban chlorpyrifos. Under a court order to rule on the petition, the Obama EPA proposed a ban in 2015, but delayed making a final decision until a change in administrations. The Trump EPA rejected the petition in 2017.

Earthjustice attorney Patti Goldman, who argued for a ban in front of the three-judge panel, said in a statement that the Trump EPA was delaying the inevitable and putting people in harm's way.

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