

Ex-Clinton official: Secure USMCA vote first

Crowley co-chairman of Pass USMCA Coalition

By DAN WHEAT
Capital Press



Robert Kyle In 2008, President George W. Bush had negotiated the U.S. Colombia Free Trade Agreement and wanted it passed by Congress. Then House Speaker Nancy Pelosi blocked it and it wasn't passed until Republicans controlled the House and Barack Obama was president in 2011.

Groups beginning to work toward congressional passage of the new trade agreement among the U.S., Mexico and Canada, should first focus on making sure there is a vote, says a former Clinton administration official who worked on the North American Free Trade Agreement 25 years ago.

Robert Kyle, now a partner in the Washington, D.C., law firm of Hogan Lovells, was special assistant for international trade and finance to President Bill Clinton. Kyle worked on congressional approval of NAFTA in 1994.

In an interview with Capital Press, Kyle said USMCA is one of the largest trade initiatives of the Trump administration.

"People are focused on whether it will pass or fail, but a third option is no action," Kyle said.

"The possibility this (USMCA) might not move at all is a real possibility. I'm not saying it won't but one of the options is no action," Kyle said.

If that happens, NAFTA could remain in effect but more likely President Donald Trump will withdraw the U.S. from NAFTA with six months notice and trade will revert to pre-1994 terms resulting in higher tariffs and could precipitate a trade war, Kyle said.

There could be litigation over the president's authority to withdraw, but Congress would be faced with choosing between USMCA or pre-

Poll shows support for USMCA ratification

By DAN WHEAT
Capital Press

American voters, by a nearly 4-to-1 margin, support Congress passing the U.S. Mexico Canada Agreement, according to a new poll released by the Pass USMCA Coalition.

The Morning Consult polling firm conducted the national survey of 1,995 people from Jan. 29 to Feb. 1. It has a 2 percent margin of error.

Of the respondents, 51 percent favor Congress passing USMCA. Of that group, 32 percent "somewhat support" and 19 percent "strongly support" the trade treaty.

Some 34 percent had no opinion. And 14 percent oppose it, with 10 percent of that group "somewhat opposed" and 4 percent "strongly opposed."

In a further breakdown, 60 percent said knowing the deal gives U.S. dairy farmers

more opportunity to sell to Canada makes them more likely to support it.

Some 54 percent said stronger intellectual property and patent protections for American medical innovations, such as medicines, makes them more likely to support it.

Provisions requiring auto manufacturers to have a higher percentage of their parts made in the U.S., Mexico or Canada to qualify for lower import taxes, led to 52 percent saying that makes them more likely to support it.

"Voters understand that the deal protects American workers, manufacturers, farmers and innovators," said Rick Dearborn, Pass USMCA Coalition executive director.

"USMCA is a deal both Democrats and Republicans can get behind," said Gary Locke, former Washington governor and coalition co-chair.

NAFTA conditions, he said.

"It would be a high-stakes strategy but the president could take this course if he felt Congress would not act otherwise," Kyle said.

Democratic members of Congress in swing agricultural districts "may quietly want it to go through," he said.

Debate over the

U.S.-Mexico border wall and trade negotiations with China have stalled progress on USMCA and Rep. Kevin Brady, R-Texas, ranking member of Ways and Means,

has said he will oppose taking up USMCA until Trump lifts steel and aluminum restrictions on Canada and Mexico, Kyle said. It's "ambitious" for the administration to expect USMCA passage by June, he said.

Meanwhile, former Rep. Joe Crowley, D-N.Y., who lost his 2018 primary election to Alexandria Ocasio-Cortez, became honorary co-chair of the Pass USMCA Coalition, on Feb. 21.

Crowley was chair of the House Democratic Caucus, fourth in leadership behind Minority Leader Nancy Pelosi, D-Calif. Crowley joins former Democratic Washington Gov. Gary Locke as coalition co-chair. Locke was announced as the coalition was launched on Feb. 13. He also is former ambassador to China and former secretary of commerce.

"I'm excited to join the coalition," Crowley said in a press release. "USMCA is a landmark trade victory for American's workers. My former colleagues should take action to ratify the agreement quickly."

State commission removes 2 Thurston conservation supervisors

By DON JENKINS
Capital Press

OLYMPIA — Two Thurston Conservation District supervisors accused of intimidating staff members and gumming up district finances were ousted from office Wednesday by the Washington State Conservation Commission after a nine-hour hearing.

State commissioners met privately for about one hour after the hearing and returned with a unanimous vote to remove Eric Johnson and Richard Mankamy. No commissioner explained the decision.

Commission chairman

Jim Kropf declined to comment on why the commission concluded Johnson and Mankamy neglected their duties and acted with malfeasance.

Johnson's and Mankamy's attorney, Shawn Newman, ridiculed the proceeding as a "kangaroo court." Even before the hearing, the two had sued the state commission over the process used to oust them. The suit is pending in U.S. District Court.

"This is an affront to people who want to volunteer and do their civic duty," Newman said.

Johnson and Mankamy, both farmers, have repeat-



Don Jenkins/Capital Press

Thurston County, Wash., farmers Eric Johnson, right, and Richard Mankamy sit after being voted out of office Feb. 20 in Olympia by the Washington State Conservation Commission.

edly clashed with staff members over such matters as spending and the accuracy of meeting minutes. They also were accused of harassing

staff members.

The state commission can remove conservation district supervisors. Johnson's term was due to expire in May,

while Mankamy's term would have ended in May 2020.

Before voting on removal, state commissioners unanimously agreed that Johnson and Mankamy neglected their duties by failing to timely approve meeting minutes, and sign time sheets and checks.

In another vote, the commission found Johnson and Mankamy acted with malfeasance by treating staff members inappropriately. Johnson was also cited for malfeasance for failing to participate in a meeting in November 2017 that contributed to the district missing out on collecting \$550,000 from property owners.

Only Perry Beale, who represents the state Depart-

ment of Agriculture, voted against finding Johnson and Mankamy acted with malfeasance. "To me, I'd like to see all the proof. I couldn't quite go there," he said after the meeting.

In testimony, the commission's lead investigator, Kirk Robinson, said he was struck that staff members he interviewed consistently said Johnson and Mankamy made them uncomfortable.

"A common theme was a concern for their own personal safety," said Robinson, who is now the state conservation commission's interim director.

Robinson's report noted complaints about negative comments by Johnson and Mankamy. There were a few specific complaints.

Advertorial



RimRock Ranches, Nez Perce County, Idaho

What Does It Take to Grow Wheat on Variable Terrain?

Innovation, Precision and Partnership Abound at RimRock Ranches

When you picture wheat growing, chances are you picture a golden crop blowing in the breeze in an expansive, flat field. The terrain is a bit different on Ben Hermann's fourth-generation wheat farm. The Idaho grower, who farms with his father, Jim Hermann, at RimRock Ranches in the Palouse, uses innovation to help him get the most out of every field — even those with a 40 percent slope. The Palouse region of Eastern Washington and Northern Idaho is one of the most unique wheat growing areas in the world, with rich soils and high annual rainfalls in rolling hills.

"I'd rather harvest on the side of a canyon than drive on a freeway."

Ben says technology plays a pivotal role in helping them manage their terrain more efficiently and sustainably. Yield maps, GPS and satellite imagery help the father/son team zero in on their diverse acres so they can allocate resources to those acres that will be most profitable and sustainable.

"Our ground is highly variable in terms of both elevation and productivity," Ben says. "Technology allows us to take a site-specific approach to managing it." While these data insights help them to plan and predict to better manage soil and crop health, innovations in farming practices have also improved their quality of life. Ben uses variable rate seeding and fertilizing to help him get the most out of every acre while being sustainable.

Growers are innovative and resilient by nature; a crop or practice that works on one wheat operation may not be a fit for the one right next door. While they

consider RimRock Ranches to be a wheat operation first and foremost, the Hermanns grow a wide array of crops they've found to thrive in their conditions, including garbanzo beans, peas, canola, lentils and mustard seed. "We basically try growing every dry commodity we can because corn and soybeans are not an option for us," says Ben. "However, this is wheat country first; it's tried and true. If you farm in this area, you grow wheat."

What does it take to succeed as a wheat grower? Ben attributes his high wheat yields to innovation, persistence, time...and WestBred® wheat.

"We've been growing WestBred Hard Red Winter wheat for as long as I can remember."

"It's hard to beat, even on our marginal ground — and our wheat yields really explode on good ground," he says.

With an annual rainfall of 18-22 inches, this beautiful wheat country can see some high yields, when managed properly — and understanding which wheat varieties and seeding rates work best for an operation is crucial to a successful season.

"We conduct on-farm variety trials with WestBred wheat each year to identify the best varieties for our land," Ben says. "My WestBred Technical Product Manager, Lindsay Crigler, is great to work with. Seeding and harvest are among the most rushed and chaotic times of our growing season, and I wouldn't be able to manage plot trials on the scale I do without her help."

Innovation, precision and partnership — three attributes Ben puts to use each day growing wheat in the Palouse. To see more about what it takes to succeed in wheat and to read more WestBred grower stories, visit WestBred.com/thetiller.



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Hermann Family

Still no AEWL court ruling

By DAN WHEAT
Capital Press

A federal judge has not yet ruled on rolling back minimum wages for agricultural foreign guestworkers to last year's levels, and a Northwest farm labor association is cutting its fees to help some growers.

U.S. District Judge Timothy J. Kelly heard arguments Jan. 28 in Washington, D.C., on a lawsuit filed Jan. 7 against the U.S. Department of Labor by the National Council for Agricultural Employers and Peri & Sons Farms, Yerington, Nevada.

The suit seeks a preliminary injunction to stop the 2019 increases in the minimum wage for H-2A foreign guestworkers that average 6.3 percent nationwide and are 22.8 percent in Nevada, Utah and Colorado. The plaintiffs say the increases are arbitrary, unsubstantiated and will cause irreparable harm to many farms.

The judge noted the urgency of the matter on Jan. 28 but has said nothing since then, said Michael Marsh, NCAE president and CEO.

"I hope it is because the judge is being really careful and is taking a good look at the arguments," Marsh said.

"It's not good news. When people call we tell them not to count on this being any help this year," said Dan Fazio, director of the Northwest farm labor association WAFLA.

"We support the action by NCAE and hope it's successful. Our concern is that the law gives discretion to agencies to determine an adverse effect wage and this makes it an uphill battle for someone challenging the agency action," Fazio said.

The H-2A minimum wage, known as the Adverse Effect Wage Rate or AEWL, is intended to ensure the hir-

ing of foreign workers does not depress wages of domestic workers. DOL has never shown any adverse effect but assumes there is one in setting an arbitrary premium minimum wage for foreign workers based on USDA wage surveys, NCAE has said.

"We're clearly showing irreparable harm but the merits are the tough one because we have to prove the government was arbitrary and capricious in issuing a rule," Marsh has said.

WAFLA provided 15,771 H-2A workers in the Northwest in 2018 and 13,848 out of 24,862 in Washington.

In Washington and Oregon, where the AEWL went from \$14.12 to \$15.03, Fazio said WAFLA is on schedule so far this year in arranging 3,000 H-2A workers on farms in Washington and Oregon now with another 5,000 by June.

Ten small growers in Central Washington said they could not afford a normal, six-month contract to pay a minimum of \$15.03 per hour, Fazio said. So WAFLA is offering reduced rates to provide 300 to 500 H-2A workers for up to 20 growers in Washington and Oregon on a master application to the U.S. Department of Labor, he said. It's for apple and pear harvest from Aug. 10 through Nov. 1. So far seven or eight have signed up and about 10 more are needed by mid to late May.

"I'd love to do 1,000 workers if I could be guaranteed not to lose money, but at 500 we hope to breakeven," Fazio said.

For up to 20 hardship growers, WAFLA will pay its application services fee to \$500 from \$4,500 and its fee for recruitment, consulate and visa fees and transportation to \$1,000 per worker down from \$1,200, he said.