

# Officials say mink recovering from COVID-19 at Oregon farm

By **GEORGE PLAVEN**  
Capital Press

SALEM — Mink that tested positive for COVID-19 at an Oregon farm in November appear to have recovered, according to state agriculture officials.

Animal advocates, however, remain concerned after one mink caught just outside the farm tested positive for low levels of the virus, potentially exposing other wildlife to infection.

Dr. Ryan Scholz, state veterinarian for the Oregon Department of Agriculture, visited the farm Nov. 23 and collected 10 mink samples that were sent to Oregon State University and USDA for testing. All samples came back positive for the virus.

It is believed the mink contracted COVID-19 from workers at the farm, which was placed under quarantine. ODA has not identified the operation or disclosed its location.

Oregon has 11 permitted mink farms with an estimated 438,327 animals, making it the fourth-largest pelt-producing state after Wisconsin, Utah and Idaho. Eight of Oregon's mink farms are in Marion County, two are in Clatsop County and one is in Linn County.

Since the initial positive tests, ODA has conducted two rounds of follow-up testing documenting the animals' recovery. The first round was conducted Dec. 7. Of 62 mink sampled, only one showed "barely detectable" levels of the virus.

The second round, conducted Dec. 21, resulted in no positive tests. ODA says it will conduct one more round



**COVID-19 has been found in an Oregon mink farm.**

els of COVID-19. Scholz said it was discovered just a few dozen yards from the compound, and matched the size and color of other minks at the farm.

It was also showing signs of acute, short-term starvation, an indication it had recently escaped. Biologists have tested eight other animals, five opossums and three cats, which all were negative for the virus.

of testing before deciding whether to lift the quarantine.

"We're doing a lot of work to ensure that this virus did not — and does not — escape this farm," Scholz said. "That work will be ongoing until we can ensure this is not a risk."

Generally speaking, Scholz said mink farms in Oregon process animals on-site and send raw pelts to processors out-of-state. The carcasses may be sold as crab bait, given to zoos or used to make organic compost, according to Fur Commission USA.

"In this case, they will be disposed as potentially infective," Scholz said. "They'll go likely to the landfill and be buried."

Pelts and carcasses at the farm will remain under quarantine until ODA, USDA and the Centers for Disease Control and Prevention come up with a disposal plan, he said.

"We haven't gotten there yet," Scholz said.

Meanwhile, USDA Wildlife Services, under the direction of the Oregon Department of Fish and Wildlife, continues to trap and test local wildlife to ensure the virus does not spread. One mink believed to have escaped from the farm was caught Dec. 13 and tested positive for low lev-

# California seeks to block Trump pesticide rule

By **DON JENKINS**  
Capital Press

California and four other states are suing to block a Trump administration rule that will limit pesticide application exclusion zones to a farmer's property.

The rule, set to take effect Dec. 29, will replace an Obama administration regulation that made farmers responsible for maintaining a 100-foot halo around airborne pesticides, no matter the boundary line.

The states claim the Trump rule will increase the risk of pesticides drifting onto farmworkers.

"The Trump administration's decision to undercut existing public health protections for these workers is not only reprehensible, it's illegal," California Attorney General Xavier Becerra said in a statement.

President-elect Joe Biden has nominated Becerra to join his administration as head of the Department of Health and Human Services.

Application exclusion zones were a main point of contention as the Trump Environmental Protection Agency revised federal pesticide safety rules.

Farm groups said enforcing an exclusion zone on someone else's property or an easement was difficult.

The Trump EPA agreed, saying its rule

will eliminate confusion and that training pesticide applicators was a more effective way to protect bystanders.

The law still requires on-farm exclusion zones and holds farmers responsible for pesticides that drift off-target. The Trump rule will allow farm families to stay in their homes rather than being forced to leave during pesticide applications.

New York, Illinois, Maryland and Minnesota have joined California in seeking a stay of the Trump rule in the 2nd U.S. Circuit Court of Appeals.

The states also have sued in the U.S. District Court for Southern New York, as have farmworker advocates, including the United Farm Workers. The suits may be consolidated into one case.

The suits allege the EPA violated the Administrative Procedure Act by not having sufficient reason to discard the Obama application exclusion zone.

An EPA spokeswoman said the agency does not comment on pending litigation.

Some states, including Washington and Oregon, have adopted application exclusion zones more expansive than the pending Trump rule. The state rules will remain in place.

The suing states claim that even those states will be affected if EPA standards change because they won't get federal help to enforce application exclusion zones.

# Judge thaws AEWWR wage freeze

By **DAN WHEAT**  
For the Capital Press



**U.S. District Judge Dale A. Drozd**

A federal judge in California has issued an injunction stopping a minimum wage freeze for H-2A-visa agricultural foreign guest-workers and ordering the U.S. Department of Labor to use previously established methodology to set minimum wages for 2021.

U.S. District Judge Dale A. Drozd, a 2015 Obama appointee in the court's eastern district in Fresno, granted the injunction Dec. 23 saying it is likely the plaintiff, the United Farm Workers union, will prevail on its assertion that DOL violated procedures in implementing the freeze for nonrange workers.

That means all guest-workers except those who work as shepherds.

About 242,000 of 275,000 H-2A jobs certified for 2020 were on farms that grow crops, including fruits and vegetables.

On Nov. 2, DOL announced the two-year freeze of the Adverse Effect Wage Rate, known by the initials AEWWR. After that, the AEWWR was to increase at the rate of inflation.

Agricultural groups for years have said the AEWWR, intended to keep wages of foreign workers high enough that they don't

adversely affect wages and employment of domestic workers, have artificially propelled wages of foreign and domestic agricultural workers higher than the rate of inflation and excessively increased growers' costs.

"This injunction drives uncertainty into business. As small as margins are, it's not a happy thing," said Michael Marsh, president and CEO of the National Council of Agricultural Employers, in Washington, D.C.

"Not knowing what the wage rules and rates for 2021 will be makes it extremely difficult for growers to plan for the season ahead," said Tim Kosis, a Washington State Tree Fruit Association spokesman.

Marsh noted UFW does not represent H-2A workers but that its members benefit from wage increases driven by higher AEWWRs.

DOL and UFW have 14 days to present a plan for setting AEWWRs for 2021, Marsh said.

USDA National Agricultural Statistics Service

farm labor surveys, which are the basis for setting new AEWWRs at the start of each year, were halted a couple of months ago for 2020 and probably won't be completed until February, he said.

Meanwhile, DOL and UFW could agree to allow current rates to continue, he said.

The UFW lawsuit against the freeze may be heard later in spring, or a new Biden administration could withdraw DOL's opposition, he said.

Whether the Trump administration will finalize other H-2A rule changes before it ends is unknown, he said.

The AEWWR increased 22.8% in Nevada, Utah and Colorado in 2019 while the national average increase was 6.3%.

The national average increase was 5.58% in 2020.

The federal minimum wage is \$7.25 per hour while the AEWWR ranges from \$11.71 to \$15.83, the highest being in Oregon and Washington.

The Employment Cost Index, measuring non-farm employee compensation, increased an average of 2.54% a year from 2015 through 2019 while the AEWWR increased 4.48%, Marsh said.



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