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Opinion

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Our View

Washington ties itself into knot over low-carbon fuels

The Washington Legislature has before it a proposal to require the use of low-carbon fuels in cars and trucks. The fuels, mixtures that would include more ethanol and diesel made from cooking oil, canola and other feedstocks, would reduce the amount of carbon emitted into the atmosphere.

While farm equipment would be exempt from the low carbon fuel requirement, the trucks that transport the state's crops and other agricultural products would not.

Because low carbon mixtures cost significantly more, trucking companies, commuters and others would soon notice an increase in their fuel bills. That, in turn, would be passed along to customers such as farmers and foodservice companies.

Also, ethanol has only about 70% of the energy of gasoline, according to the Alternative Fuels Data Center, so



The Washington Capitol

the fuel efficiency of Washington's cars and trucks would decrease.

In other words, Washington's fuel costs would go up as mileage goes down.

The state currently requires at least 2% of all the gasoline and diesel fuel sold in Washington to be ethanol or biodiesel. State-owned vehicles must, "to the extent possible," use 100% bio-fuels or electricity.

While canola and other feedstocks such as used cooking oils can be made into biodiesel, it costs more than diesel from crude oil. Depending on the mix-

ture, that added price can range from about 20 cents a gallon for 20% biodiesel to 85 cents for 100%, according to Consumers Union.

Last year log truck drivers from around the state descended on the Capitol in Olympia to protest the proposed biodiesel requirement. Supporters of the Timber Unity movement told lawmakers the higher fuel prices would turn their bottom lines red. One trucking company owner told a committee hearing that one-third of his expenses are fuel.

Another fault in the proposal that critics point out is that ethanol and biodiesel are produced out of state — even out of country. For example, Midwest corn and Brazilian sugar cane are made into ethanol, which is shipped to the state to be blended with gasoline.

There's a reason for that.

In the past, the state bureaucracy has prevented at least one biodiesel plant from being built in the state.

Last year, Phillips 66 and Renewable Energy Group abandoned plans to build the largest biodiesel refinery on the West Coast. The state Department of Ecology and Whatcom County officials determined the project, to be built next to an oil refinery, would have had significant environmental consequences. Addressing those concerns would have made the plant uneconomical.

The state of Washington has tied itself into a knot. It wants "cleaner" fuels, but refuses to permit at least one plant that would produce them.

This is crazy-making, and shows the paper-thin reasoning behind the state's efforts to reduce carbon in fuels to "stop" climate change. The amount of carbon dioxide Washington state produces is less than a fraction of a percent of the world total.

But even doing that is made more difficult because of the state's own environmental policies.

Our View



Capital Press File

Washington legislators have modified a bill to allow farmworkers to sue for three years of back pay.

OT bill would ruin Washington farmers, ranchers

A bill originally designed to protect Washington farmers from having to pay retroactive overtime pay in the wake of a recent state supreme court decision has been changed in committee to require just the opposite.

If passed as it stands, the bill would put Washington farms and ranches on the hook for \$2 billion in back wages — all for following the law understood for more than 60 years.

That would be ruinous to even the largest farming operations.

The Fair Labor Standards Act, passed by Congress in 1938, established a federal minimum wage and provided for overtime pay for work over 40 hours. The act provided a host of job classifications, including farmworkers, that are exempt from the overtime rule.

Washington lawmakers in 1959 adopted a similar provision into state law.

In a case filed by two former milkers from Yakima County, the Washington Supreme Court struck down the exemption Nov. 5 in a 5-4 decision. Left unclear by the ruling was whether it applied just to dairy farms or all farmworkers, or whether those impacted could collect three years in back wages as made possible under a separate state law.

Trial lawyers with their plaintiff farmworkers waited in the wings and in short order sev-

eral suits were filed demanding back pay.

Ag interests sought relief from the Legislature.

Senate Bill 5172 originally barred farmworkers from applying the ruling retroactively. But, Democrats on the Senate labor committee amended and passed the bill, confirming that the court's ruling should be applied retroactively and to all farms, not just dairies.

Under the current bill, farms would have to find the workers and pay them back overtime, plus 12% per year interest.

If farms can't find a worker, the back wages would have to be paid to Labor and Industries, which would set up a committee to pay out back wages. Farms that don't pay upfront could be sued.

Whether Democrats on the committee were serious, or jockeying for a better negotiating position as the bill progresses, we don't know.

As we said three weeks ago, the court's original ruling was wrongheaded, but allowing newly minted victims to retroactively collect overtime would be disastrous to farming operations that were following the law as written by the Legislature and enforced by the state.

We can only hope that commonsense will prevail and SB 5172 will be returned to its original purpose — a tall order, given who we're talking about.

Snake River dam proposal is a recipe for disaster

Idaho Congressman Mike Simpson floated a \$33 billion "concept" a few weeks ago to breach the four lower Snake River dams and compensate the businesses, governments and other organizations and individuals that rely upon their many benefits. Rep. Simpson says he held over 300 meetings with stakeholders to develop his concept.

I'm a lifelong citizen of Whitman County, a commercial grain grower, a port commissioner, and a past city council member and planning commissioner. I'm also on the board of directors of a trade association that represents a large number of Snake River users, and I am chair of a group that represents those users in the courtroom. Rep. Simpson didn't meet with me or anyone I know.

His numbers keep changing, but the last version of Rep. Simpson's concept I saw proposed investing \$1.5 billion in roads, rail lines and related infrastructure to transport the Washington, Idaho, and Montana grain that would no longer be able to travel to market on barges.

As a former planning commissioner, I wish former dentist Rep. Simpson good luck with that. The public planning and permitting processes for building new and upgrading existing roads and rail lines could consume decades before the first ground is ever broken — if it's broken at all.

I say "if at all" because whether it goes by road, rail or river, our grain is transported along the Snake and Columbia river corridors to deep draft ports on the lower Columbia for export overseas. The same environmental groups who are pushing Rep. Simpson to push this plan on us will also be at the head of the line to sue against further transportation infrastructure in the scenic and environmentally sensitive Columbia River Gorge and other ecologically important areas.

Even if the railroad companies can overcome the environmentalists in court, will they and the many other private companies involved in grain storage and transportation even want to build, maintain and operate all this new infrastructure in the first place? The rail companies that serve our region have repeatedly said that short line services don't pencil out for them profit-wise, except by charging their customers exorbitant prices.

How exorbitant? My litigation group commissioned a study that suggest transportation costs for most grain growers would increase 50-100% if barging was removed as a shipping option. With most family farms operating at the bare edge of profitability as it is, that kind of cost increase might put as many as 1,100 out of business. I'm proud of my county and region, but the



GUEST VIEW

Tom Kammerzell

simple fact is nearly one in five residents here lives at or below the poverty line. We can't afford to lose the kinds of living wage jobs that farms and the businesses that serve them create.

Even if farmers could somehow afford the cost of switching from rivers to roads and rail, I have serious doubts our environment can. In that same study I mentioned above, researchers concluded that losing barging as a transportation option will increase carbon emissions by over 1.25 million tons each year. That's like adding a new coal plant worth of emissions every 5-6 years.

Even more recent research has revealed that mass die-offs of coho salmon in the Pacific Northwest and elsewhere along the West Coast can be tied to a chemical antioxidant used in tires. Barging on the Snake and Columbia rivers kept over 330,000 trucks — and the toxic by-products from their nearly 6 million tires — off Pacific Northwest roads and out of the waterways in 2018 alone.

All those extra trucks on the road and trains on the rails harm more than fish. People get killed, too. There are 23 rail and 155 truck fatalities annually for every one related to barging, along with 125 rail and 2,172 trucking related injuries per each barging injury.

All of these impacts I've described are just related to taking barges off the river. Rep. Simpson's proposal creates so many other impacts to so many other sectors that it almost makes my head spin trying to think about them.

I suspect the \$33 billion Rep. Simpson is offering all of us as compensation for all these impacts barely qualifies as a good start. But I'd still try to take his concept seriously, except for this: Even Simpson himself admits he has no idea if his concept will actually speed salmon recovery. In farming terms, that would be like tilling and fertilizing the fields and putting in a crop that you know nothing about or where to sell it and hoping for the best. Looks to me like a recipe for disaster.

Tom Kammerzell and his wife own farms in Whitman County, Wash., and Benewah County, Idaho, which produce wheat that is shipped on the Snake-Columbia river system. He is also a Port of Whitman County commissioner and chair of the Pacific Northwest Waterways Association, Inland Ports and Navigation Group, which represents navigational interests in the courtroom.

READERS' VIEW

Costs of farming in California out of control

I read with interest the comments made in the Guest View by Mike McCarthy; California is right up there with Oregon as an extremely costly state for farming.

In 2018 our organization commissioned a study by CalPoly San Luis Obispo to determine the increase in regulatory costs to lettuce farmers of the Central Coast of California. The resulting study,

"A Decade of Change: A Case Study of Regulatory Compliance Costs in the Produce Industry" concluded that regulatory compliance costs increased 795% in the decade since 2008. Reviewed were areas such as regulatory requirements for air quality, water quality, pesticide use, food safety, workers' compensation, Affordable Care Act, labor and wages, and education and training for regulatory compliance.

While the same study determined that the costs of crop production only increased by 24.8% in

the same decade, the policy makers in our state have largely ignored the impacts and costs of regulatory compliance as new and ever-more-harsh requirements are laid upon growers each year; regulators have chosen to ignore this study on regulatory compliance costs as well.

We, too, want to keep farming, and I fear for our small farmers who cannot keep pace with the costs of regulatory compliance.

Norm Groot
Executive Director,
Monterey County Farm Bureau
Salinas, Calif.