

Bill: 'It's going to be hard on the middle managers'

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may come up during the 2022 session.

Even without it, farm groups and most Republicans accepted the bill as the best deal possible for agricultural employers this year.

The state Supreme Court ruled in November that dairy workers were entitled to overtime. The ruling pointed to further litigation to extend overtime to all farmworkers, with up to three years of back pay.

"We averted both of those potential pitfalls," Washington Tree Fruit Association President Jon DeVaney said. "Those are critically important gains for agricultural employers who were facing a far worse situation."

Yakima Valley tree fruit grower Jason Matson said he assumed his family's

company would have to pay time-and-a-half after 40 hours this year. The bill gives the company time to plan, he said.

Growers will pay overtime, but they also may cut hours and acres, and automate, Matson said. Companies are working on perfecting robotic apple pickers, he noted. "Boy, they can't get that solved quickly enough," he said.

At the 55-hour thresh-

old, an immediate concern will be 12-hour shifts irrigating fields, Matson said. The work may have to be spread out among more workers, leading farmers to hire more foreign workers on H-2A visas, he said.

U.S. workers who have their hours cut may seek to pick up work at other farms, he said. "I imagine there will be a fair amount of moonlighting."

"It's going to make some

of those employees upset," Matson said. "It's going to be hard on the middle managers. They're going to have to deal with it."

Because of the Supreme Court's ruling, dairies have been required to pay time-and-a-half after 40 hours a week since November. The bill won't change that, but it nullifies about three dozen back-pay lawsuits that have been filed against dairies.

The Washington State

Dairy Federation issued a statement Monday urging the Senate to quickly send the bill to Inslee.

Washington has the highest state minimum wage and is tied with Oregon for the highest H-2A minimum wage. Washington and California will be the only two states that will pay all farmworkers time-and-a-half after 40 hours.

The Oregon Legislature is debating an overtime bill.

Vilsack: What's happening with the phase 1 deal

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system. That may be expensive. It may require additional equipment (and) space. Can USDA, through COVID relief and other resources, provide assistance with that?

The third piece is a much larger-scale effort, going back to resources provided in the American Rescue Plan. It's the ability to create a fund that would allow USDA to approach state governments, officials, private investors and others, to say, "What if we could provide you X number of dollars towards the capital cost of a new (or retrofitted) processing facility that would increase your capacity?"

Part of what we're doing is in that space. The other part is regulatory. We're in the process of evaluating the state of regulations we inherited. Once we've finished, we may (strengthen) various aspects of our enforcement mechanisms.

CP: Can you give me an example?

Vilsack: Well, in 2016, we had a series of rules relative to the poultry industry under the Packers and Stockyards Act which the Trump administration basically froze. Are those still relevant? Do they need to be modified? Those kinds of things.

CP: You talked about consolidation, how a few giants like Tyson hold all the sway. But can you explain how new small-scale processors will realistically compete? It seems like they serve different markets. Or are you planning on scaling up existing processors?

Vilsack: I think it's potentially a combination of both. But I think you walk before you run.

At the end of the day, the goal is to create more resiliency.

It's also about competitive price. If you have one place to sell your product, you take the price you get. If you have two places, you can at least compare, right? If you've got three or four places, well then, you're really in the driver's seat. Right now, from the producer standpoint, the view is: "We don't have enough capacity." I think producers are looking to USDA and others to address that.

CP: Sticking with the livestock topic, the Animal and Plant Health Inspection Service recently announced it's pulling back the radio frequency identification, or RFID, ear tag mandate. That may be temporary, so I'd like to know your longer-term plan, if you have one.

Vilsack: Well, I want to point out, I've been on the job for about a month. (He laughed.) You're asking a lot of questions the answers to which will evolve over time.

Let me just say this about the tag system. Traceability is important. It's important in terms of our ability to contain disease, limit damage to the market (and) be able to respond to demands of customers overseas. Whatever we do, we've gotta have reliable traceability. All right?



Matthew Doyle

U.S. Rep. Cindy Axne, D-Iowa, left, and Secretary Tom Vilsack, right, handle apples inside a food bank.



Susan Walsh

Vilsack

And I think, frankly, as time goes on, more consumers are going to want to know where their food came from.

Now, what is the right system to address the concerns of some that feel the government may have too much information? I don't know. We were trying to strike a balance with the tag system. We'll take a look at it.

CP: Let's move on to dairy. The Dairy Margin Coverage Program is based on the national price of milk and average cost of feed, but Western U.S. dairy farmers often have higher input and labor costs than farmers in other regions. Do you have plans for programs that consider dairy farmers in the West?

Vilsack: I think one way you address the needs of Western dairy farmers is to create new and bet-

ter markets (and) maximize trading opportunities.

It's also about innovation, creating new products in which milk (and milk ingredients) can be used.

We just basically changed the margin protection program to become the margin coverage program, and I think, for the most part, it's working pretty well. At this point, I don't have any particular plans to change things. But, I mean, obviously, if the dairy industry approaches us and asks for adjustments, we'll be open to that.

CP: OK. Let's talk trade. On what specific issues will you be working with U.S. Trade Representative Katherine Tai to negotiate on trade with China? What's happening with the phase 1 deal, and what's your next step?

Vilsack: Well, the next step is the one I already took, which was to reach out to the Chinese ag minister and have a conversation with him.

I was pleased the conversation was cordial, that there was an acknowledgment of the importance of the phase 1 agreement. But we still have issues to resolve.

They're not buying as much as they promised, but they've increased their purchases significantly. What we want to do is maintain those purchases (and) continue the relationship.

The relationship with China is highly complex. In some cases, we are competitors, in some cases, cooperators. In some cases, we are seller and buyer and it's a mercantile relationship.

In ag trade, it's a trade rela-

tionship. But it can be impacted by national security issues, by something happening in the South China Sea, etc. All of that may play on China's attitude about purchasing. And those are things the Department of Agriculture doesn't have control over. What we attempt to do is make sure they know we value their market (and) let them know they can rely on the stability, safety and supply from our market.

CP: Changing topics — in the Western U.S., organic is a growing sector. What will your agency do to support organic producers?

Vilsack: Well, first of all, we'll have a senior adviser or some high-level individual who's charged with overseeing the organic program.

Secondly, we need to protect the brand. You don't get high value unless people think there's something about organic that they like better than conventional and they're willing to pay more for it.

We'll also, through the regulatory process, make sure people aren't trying to get product in under false pretenses. We have friends in foreign governments (whose) standards for organic may be different than our standards. We need to make sure their standards are equal to or better than U.S. standards if they sell here.

Then we'll look for ways in which we can create an easier pathway to obtaining organic status.

CP: One follow-up: Have you already appointed someone to that high-level organic position, or are you looking?

Vilsack: We're looking. We're in the process of trying to identify someone.

CP: OK. On a similar note, do

you plan on tapping any Western U.S. ag experts for potential high-level leadership in USDA?

Vilsack: Our leadership team at USDA will be diverse in a number of different definitions of diverse, including geographic. We'll be looking for people who understand and appreciate specifically Western agriculture.

CP: Moving on — I know you've been following the recent droughts and fires in the West. The U.S. Forest Service is under USDA. What can your agency do to improve management of national forests so they aren't as susceptible to wildfires?

Vilsack: It's a function of resources. We have to do a better job of managing our forests, and that means getting resources from Congress. And in the president's budget, as it unfolds, I think people will see we're going to make a major commitment to increase resources available for forest management.

That's not going to solve the problem today. It's going to take years and years and years. In the meantime, we'll use the best science available to contain as many fires as we can.

CP: OK. Assuming for a moment you get the funding, what tools will you use in forest management? Can you give me examples, like thinning or grazing?

Vilsack: It's a combination of — I mean — I'm not an expert in this field. I rely on the Forest Service experts to tell me what needs to be done. But what they tell me is we need to manage our forests more aggressively.

It's a combination of hazardous fuel material removal, protecting old growth, making sure the communities around forests are protected, expanding the number of advocates for our forests. And I think climate (change) also creates an opportunity for investment.

CP: One last question. What major changes, if any, will you propose surrounding crop insurance in the next farm bill?

Vilsack: Oh, well, we don't yet have a (Risk Management Agency) administrator appointed.

Your readers need to know I recognize and appreciate the role crop insurance plays in providing stability and assurance. So, we're not going to do anything to the crop insurance program that would reduce its effectiveness in providing that sense of security.

I do also think there is a bargain between farmers and the government when it comes to crop insurance. We pay — we meaning the government, the people of the United States — a significant amount of the crop insurance premium. In exchange, we only ask for conservation compliance. I think we want to keep that bargain.

CP: Great. Thanks for taking the time to talk with me and speak to Western U.S. farmers.

Vilsack: You bet. Thank you very much.

Klamath: Reclamation says it will maintain certain river flows for salmon

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through the Klamath Project Drought Relief Agency, which provides funding for drought relief programs including groundwater pumping and land idling.

An additional \$3 million will go to the tribes for ecosystem activities aimed at protecting endangered fish, as well as monitoring groundwater levels throughout the basin.

Under Reclamation's temporary operations plan for the Klamath Project in 2021, it recognizes there is not enough water available to meet competing demands for farms and fish.

The plan provides guide-

lines for Reclamation to adaptively manage Project operations this spring to maintain certain levels of water in Upper Klamath Lake for Lost River and shortnose suckers, as well as preserve options for flushing flows downstream for salmon in the lower Klamath River.

Reclamation says it will maintain certain river flows for salmon through September 2021.

While the news was widely expected, it is no less devastating to the basin's agricultural community. The Klamath Water Users Association and irrigation districts held an operations meeting Wednesday morning to discuss their plans going forward with



Deb Haaland

patrons who stand to see their fields run dry.

In a letter sent April 8 to patrons, the KWUA said it is well aware of the

impact such a low allocation will have on the business community.

"We will continue pursuing strategies to correct fundamental problems in the basin, advocate for common sense, and begin work with responsible parties so that we are not in this impossible and unnatural situation again in the future," the letter reads.

Last week, Interior Secretary Deb Haaland withdrew a

41-page "reassessment" of the Klamath Project and its water delivery obligations under the Endangered Species Act that likely would have benefited irrigators in future drought years.

The analysis, issued by the outgoing Trump administration in January, held that the Bureau of Reclamation has no legal right to curtail water contracted for farms to protect endangered fish, including suckers in Upper Klamath Lake and salmon in the lower Klamath River.

Irrigators had hailed the findings as a game-changer, with the bureau no longer imposing severe water restrictions on the Klamath Project.

But Haaland, who was confirmed March 15 as President Joe Biden's interior secretary, announced April 8 she is rescinding that legal guidance, along with other Trump-era memoranda related to Klamath Project operations.

"These documents were issued without government-to-government consultation with affected tribes and do not reflect the current administration's goals for long-term water recovery and economic restoration in this region," Haaland said. "The documents also conflict with longstanding departmental positions and interpretation of governing law and should not be relied upon for any purpose."

Haaland also sent a letter

to the Klamath Water Users Association outlining her decision.

"Understandably, this letter may be unwelcome news given the dire and unprecedented drought conditions facing the Klamath Basin this year," she said.

"I want to emphasize that the Department of the Interior is firmly committed to working collaboratively with you, your constituents, your congressional delegation, and other interested parties within the Klamath Basin," Haaland added, "not only to minimize the impacts of upcoming water allocation decisions, but also to develop a long-term plan to facilitate conservation and economic growth with the basin."