



A MATTER OF 'EQUALITY'



Mateusz Perkowski/Capital Press

Kathryn and James Dunlap with their daughter, Evelyn, at the family's ranch near Baker City, Ore. The couple has filed a lawsuit over being excluded from a USDA loan forgiveness program for minority farmers.

Ranchers join legal battle over race-based USDA loan forgiveness program

By MATEUSZ PERKOWSKI
Capital Press

BAKER CITY, Ore. — The possibility that USDA would forgive their farm loans seemed like a godsend for James and Kathryn Dunlap.

But shortly after hearing of the agency's new program, the Dunlaps learned they didn't qualify — only farmers from racial minorities were eligible.

"It kind of blew our minds," James said. The couple has taken out about \$280,000 in loans from USDA's Farm Service Agency for cows and equipment to expand their ranch business near Baker City, Ore.

"Until that's paid off, we're just trying to survive," James said. "The goal was to grow. Unfortunately, while you're growing, it's very difficult."

Though they wouldn't have taken out debt they couldn't pay back, the Dunlaps found it troubling they'd been excluded from the loan forgiveness program for being white.

"If they want to offer a program, it should be available to everyone," he said. James said he was content to merely grumble about the program but his wife convinced him to take action.

"Don't just complain about something unless you're doing something about it," Kathryn said.

Is program constitutional?

With the help of the Pacific Legal Foundation, a libertarian public interest law firm, the Dunlaps have filed a lawsuit challenging the USDA's minority loan forgiveness program as unconstitutionally based on race.

"Righting past discrimination with more discrimination is not the way to go about it," she said. "It should be based on individual circumstances."

The couple's lawsuit is one of 12 similar complaints filed across the nation that argue USDA's \$4 billion loan forgiveness program violates the Constitution's promise of equal protection under the law.

The litigation has been consolidated

as a class action lawsuit in federal court in Texas, where U.S. District Judge Reed O'Connor has issued a preliminary injunction halting the program. Similar orders against it have been entered in three other states.

O'Connor wrote that "the government's claim that new race-based discrimination is needed to remedy past race-based discrimination is unavailing," meaning that it is ineffective.

Few topics are more sensitive or uncomfortable than race and money, especially in the current politically tense atmosphere. The litigation against USDA tackles both subjects head-on.

See Equality, Page 11

Oregon clean truck mandates come with costs



Don Jenkins/Capital Press File

Oregon's Environmental Quality Commission, a small regulatory body, has approved the Clean Trucks Rule, a mandate aimed at cutting emissions by requiring production of cleaner trucks.

By SIERRA DAWN McCLAIN
Capital Press

SALEM — Oregon's Environmental Quality Commission, a governor-appointed panel, has approved the Clean Trucks Rule, a mandate aimed at cutting emissions by requiring production of cleaner trucks.

Advocates say the rule will benefit the environment and public health; critics say it will hurt truck manufacturers and raise prices on trucks, which farmers and ranchers rely on for shipping.

The rule has two parts.

First, it mandates manufacturers boost production of electric trucks. Second, it requires new medium- and heavy-duty diesel trucks sold in Oregon to meet stricter emissions standards.

The first rule requires up to half of the new medium- and heavy-duty trucks, buses and vans sold in Oregon by 2030 have no emissions, and up to 75% be electric by 2035. The second requires all new heavy-duty diesel vehicles sold in Oregon to emit 75% less nitrogen dioxide than current levels starting in 2025 and 90% less by 2027.

The rule only applies to manufacturers and does not require anyone to buy the trucks.

After California, Oregon is the second state to adopt the rule, which will go into effect in 2024 and apply to 2025 or later models.

Advocates say the rule will decrease tailpipe pollution contributing to smog and ozone formation, promote cleaner air for disadvantaged communities and reduce diesel exhaust that may cause cancer, lung disease and other health problems.

"The transportation sec-

tor alone is the largest source of greenhouse gas emissions in Oregon, so this moves us toward cleaner air," said Rachel Sakata, senior air quality planner for the Oregon Department of Environmental Quality. "We're on a path to zero emissions."

Critics say the rule will raise the price of new trucks, will rapidly push a fleet of electric vehicles on a state that doesn't have sufficient infrastructure set up yet and will unfairly penalize truck manufacturers.

See Trucks, Page 11

H-2A minimum wages to increase

By DON JENKINS
Capital Press

Minimum wages for seasonal foreign farmworkers will rise by 9% in California and 6.5% in Washington and Oregon based on an annual pay survey released Nov. 24 by the USDA.

California will displace its West Coast neighbors as the state with

the highest H-2A wage in the country at \$17.51 an hour. The H-2A wage in Washington and Oregon will be \$17.41.

The wages purport to reflect average pay for all farmworkers and vary by region. The H-2A floor nationally will average \$15.56, a 6.4% increase, the highest percentage in at least a decade.

The U.S. Department of Labor

uses the survey to set minimum H-2A wages for the coming year. Farms that hire H-2A workers must pay their U.S. workers the same wage.

Michael Marsh, CEO and president of the National Council of Agricultural Employers, said the survey inflates pay by rolling piece-rates, overtime and bonuses into an hourly minimum wage.

The survey's flaws cause wages to become increasingly disconnected with market economics, he said.

"Farmers and ranchers are going to struggle with these wages and, unfortunately, we're going to see additional food production move out of the U.S.," Marsh said.

See Wages, Page 11

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