

Sen. Betsy Johnson: ‘The D behind my name doesn’t define me’

By MATEUSZ PERKOWSKI
Capital Press

REDMOND, Ore. — If she’s elected Oregon’s governor next year, Sen. Betsy Johnson, D-Scappoose, expects to keep her veto pen busy.

Many of the state Democratic party’s policies go against the interests of ordinary Oregonians and thus wouldn’t pass muster with her administration, she said at the Oregon Farm Bureau’s annual convention in Redmond Dec. 8.

“The ‘D’ behind my name doesn’t define me,” Johnson said, noting that she refuses to “march lock-step” with Democratic priorities that harm agriculture. “Why do some legislators appear to be so anti-farmer? I find this inexplicable,” she said.

Johnson’s observations were repeatedly interrupted by applause and laughter from the crowd of farmers,

whom she plans to court vigorously in her campaign as a non-affiliated candidate for governor.

“Oregonians can be surprisingly independent and that’s independent with a small ‘i,’” she said. “Our government needs a centrist to bring the opposing sides together.”

Johnson said she’s currently focused on fundraising but will begin flying around rural parts of the state next year, since she realizes “there’s an Oregon that’s east of Bend and south of Eugene.”

Reaching out to citizens outside the state’s major population centers will be key to her campaign strategy, Johnson later told Capital Press.

“The support of rural Oregon will be absolutely essential to win this race,” she said.

Johnson reminded farmers of several instances in which she defied the state’s



Mateusz Perkowski/Capital Press

Sen. Betsy Johnson speaks with Bob Klinger, a Polk County sheep farmer, at the Oregon Farm Bureau’s annual convention in Redmond, Ore., on Dec. 8.

Democratic supermajority in the Legislature, such as voting against controversial “cap-and-trade” bills that aimed to curtail carbon emissions.

“Being told climate change is the most important issue our nation faces rings hollow when you’re struggling to make it to the end of the month,” she said.

requirements for cleaning drainage ditches.

“There are legislators in Salem who have no idea how important clean ditches are,” she said.

State environmental policy had treated all such ditches as “pristine salmonid habitat,” Johnson said. “No, they’re not. They’re a ditch.”

Farmers must give lawmakers an earful about policies that are important to them, which may mean testifying online during the next legislative session, she said.

“Don’t give up, even if leadership locks down the building,” Johnson said. “Don’t let them screw you with the door closed.”

Many farmers will likely be receptive to Johnson’s message, even though the agriculture industry traditionally leans Republican, according to several growers at the conference.

“I’m not happy with the Republicans or the Demo-

crats. They can’t work with each other and are entrenched in their own little world,” said Peter Kenagy, a Benton County farmer. “Neither of them sees the bigger picture of where we’re headed as a state.”

Farmers recognize Johnson as a Democrat who has “really stood up” for the industry, he said. “They value her historical support for agriculture.”

Bob Klinger, a Polk County sheep farmer, said he doesn’t think farmers are married to voting for a Republican candidate in the 2022 election.

While Johnson has always been good to work with, the “bottom line” is whether she’ll be able to keep a left-leaning candidate from winning, said Kathy Hadley, a Polk County farmer.

“I want to see some polling and a path to victory,” she said. “That is the key underlying principle: Who can beat the progressive?”

Blueberry farm alleges damage from railroad spraying

By MATEUSZ PERKOWSKI
Capital Press



Sierra Dawn McClain/Capital Press

An Washington farm alleges herbicide drift from railroad weed control damaged its blueberry bushes.

A Washington state farm claims its blueberry plants were damaged by herbicides sprayed along a railroad right-of-way by a pesticide applicator.

The owners of the Sandhu Farm in Skagit County have filed a complaint alleging that Ferrosafe, the applicator, caused the damage while providing weed control services for the BNSF Railway Co.

A similar problem compelled Sandhu Farm to file a lawsuit against the company in 2017, which was settled by an agreement that restricted herbicide spraying during summer, the complaint said.

Earlier this year, Sandhu Farm noticed that blueberry leaves near the railroad tracks were “crinkled and curled instead of smooth,” especially in areas where the vegetation buffer was sparse between the tracks and the farm, the complaint said.

The leaves were sent to a laboratory and the plant tissue tested positive for 2,4-D and other chemicals that are active ingredients in herbicide products, none of which are used by Sandhu Farm, the complaint said.

The complaint specifically alleges that Ferrosafe applied Oust Extra herbicide on BNSF’s right-of-way in April and May when wind speeds exceeded 10 mph, violating the label regulations.

“Ferrosafe knew or should have known with substantial certainty that herbicides applied to the BNSF right-of-way in the manner and under the conditions applied were likely to become volatile and/or drift onto the Sandhu property,” the complaint said.

The lawsuit accuses Ferrosafe of breaching the previous agreement, as well as trespass, negligence and nuisance, among other allegations.

The lawsuit seeks triple the amount of financial damages sustained by Sandhu Farm, in an amount to be determined by a jury.

Sandhu Farm has also asked for a permanent injunction prohibiting Ferrosafe and BNSF from applying herbicides next to its property, or requiring them to apply herbicides in a way that avoids damaging blueberry plants.

An attorney for Ferrosafe said the company is unable to comment on active litigation. A representative of BNSF, which is also named as a defendant in the complaint, also said the company doesn’t comment on active litigation.

The lawsuit was initially filed in Skagit County Superior Court but was transferred to federal court in Washington because Ferrosafe is incorporated in Arizona and its principal business office is in Alabama. BNSF is incorporated in Delaware and is based in Texas.

In an answer filed in federal court, Ferrosafe denied causing damage to Sandhu’s blueberry plants and specifically denied spraying herbicides containing 2,4-D.

In the answer filed by BNSF, the company said it’s “without knowledge or information” regarding the key accusations against Ferrosafe but opposes the injunction request.

Willamette Valley Vineyards adopts overtime pay for its farmworkers

By GEORGE PLAVEN
Capital Press



George Plaven/Capital Press File

Jim Bernau, founder and CEO of Willamette Valley Vineyards. The vineyard and winery are phasing in overtime pay for farmworkers.

TURNER, Ore. — Willamette Valley Vineyards will begin paying overtime wages for farmworkers beginning in 2022, as the Oregon Legislature considers lifting the federal overtime exemption for agricultural employees statewide.

Founder and CEO Jim Bernau said the company — a leading producer of Pinot noir wine — has approximately 45 full-time hourly field workers, ballooning to 135 at harvest.

Agricultural workers will also receive a 6.2% increase in their base pay effective Jan. 1 to keep pace with inflation, Bernau said.

“The rapid rise of inflation is hurting our hourly paid farm employees the most,” he said. “They’re under a real strain.”

Under the 1938 Fair Labor Standards Act, most U.S. workers are guaranteed minimum wages and overtime pay. Farmworkers, however, were excluded from the law.

State Rep. Andrea Salinas, a Portland-area Democrat, will reintroduce a bill in the 2022 legislative session that will overturn the exemption and phase in overtime pay for farmworkers.

Lawmakers in neighboring Washington state already passed a similar law requiring overtime pay for farmworkers after 55 hours a week in 2022, 48 hours in 2023 and 40 hours in 2024. Any hours worked above those limits must be paid at one-and-a-half times the worker’s normal wage.

Bernau said Willamette Valley Vineyards will follow the Washington schedule, even as Oregon’s rules continue to take shape.

“Part of that has to do with setting in motion what we need to make sure that we’re fair with our farmworker families, and also to retain them,” he said. “I think more than ever, employers are reminded that employees have choices. Farm work needs to be an attractive choice for farm families.”

At the same time, Bernau acknowledged that not all farms are able to take on

higher labor costs.

Willamette Valley Vineyards is vertically integrated, with a winery in the Salem Hills near Turner, Ore., which he said gives them more tools to overcome higher costs, such as establishing new markets, expanding distribution or creating new products.

Bernau estimated the increase in base pay will cost Willamette Valley Vineyards

\$111,000 annually, while overtime could cost as much as \$333,333 per year.

“We’re going to figure it out,” he said. “We don’t really know how precisely we’re going to address these costs, but when we work with our farmworkers, and we all share the same goal, we have a much higher likelihood of success. We need the farmworkers’ trust and support.”

To protect small farms, Bernau said Oregon’s agricultural overtime law should take into consideration all different farm sectors and their unique seasonal needs.

He is also advocating that the state provide funding to help small farms make the transition without costing workers their jobs or forcing producers out of business.

The Oregon Farm Bureau and other agricultural groups have argued that, despite its good intentions, agricultural overtime as currently proposed in Oregon could force farms to reduce workers’ hours, switch to less labor-intensive crops or move out of Oregon to control costs.

“I’m really hoping that those lawmakers, especially on the progressive side of the scale, listen to us,” Bernau said. “We share the same goals. We just need to figure out how to get there, together.”



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