

Judge discards most wage claims against Washington dairy

By DON JENKINS
Capital Press

YAKIMA, Wash. — A federal judge has dismissed most allegations that a Central Washington dairy underpaid its workers, ruling that claims against the dairy were “largely baseless.”

Mensonides Dairy in Mabton committed “technical violations” and owed 22 workers a total of \$24,646 for missed meal breaks, U.S. Bankruptcy Judge Whitman Holt ruled Dec. 20.

The dairy didn’t discour-

age or cut short meal breaks, but was careless by not making sure employees recorded meals on their timecards, Holt wrote.

Holt tossed out the other claims, including one that sought retroactive pay for walking or riding a company vehicle one-quarter of a mile from the parking lot to the time clock.

“Simply because the dairy permitted its employees to use company vehicles to make the trip does not transform the travel time into ‘hours worked,’” Holt wrote.



California law firm Martinez Aguilasoch & Lynch claimed workers were owed a total of \$518,488 for missed meal and rest breaks, and unpaid work time.

Holt said the firm’s calculations were “unclear, difficult to follow, aggregated with nonviable theories, and in many instances not possible

to reconcile with the court’s own work.”

Efforts to obtain comment from attorney Charlotte Mikat-Stevens, who argued the case for the workers, were unsuccessful.

The dairy filed to reorganize under Chapter 11 bankruptcy in 2018. The law firm filed a claim on behalf of workers employed by the dairy between 2015 and 2018.

Holt heard testimony from 21 workers over nine days, spread out in October 2020 and May 2021.

Holt described some of the

testimony as evasive and contradictory. He said one worker’s testimony was “bizarre, confusing and downright nonsensical.”

Nevertheless, the judge went through the time cards, identified missing meal breaks and did the math himself.

The number of missed meals was relatively small, Holt said, and it was common for workers to take two-hour meal breaks for whatever reason.

Because workers self-reported meals, they probably took meal breaks while on the

clock, he wrote.

Efforts to obtain comment from the dairy or its lawyer were unsuccessful.

Holt also rejected claims that workers weren’t given rest breaks. The dairy allowed workers to decide when they needed a break, Holt observed.

The awards to individual workers were based on the number of missed breaks and ranged from \$3,004 to \$36.75. Holt awarded a matching \$24,646 to attorneys representing the workers.

Potato market outlook mixed for 2022

By BRAD CARLSON
Capital Press

Potato producers will have to weigh strong demand and prices against high input costs and a still-uncertain economy as they decide their 2022 plantings.



Ben Eborn

“There’s a lot of optimism in the markets right now,” Ben Eborn, agricultural economist and owner of North American Potato Market News, said in a University of Idaho Ag Outlook presentation Dec. 16. “Whether or not that can stay is dependent upon the overall economy.”

Risks include U.S. and international government responses to COVID-19 and its variants, he said.

Eborn, who is based in eastern Idaho, said the U.S. crop fell short of expectations overall this year, dragged in part by prolonged above-average heat in many Idaho, Washington and Oregon growing areas.

Global supply is tight. European production dropped. And although Canada produced its biggest potato crop ever, “moving them around where they’re needed is extremely difficult,” he said.

Also in Canada, the recent Prince Edward Island quarantine for potato wart has added to the larger market’s supply and logistics challenges, Eborn said.

But demand for fries in the U.S. and internationally is “sky high” as foodservice demand increases, so processors will want more potatoes planted in 2022, he said.

As tight supplies boosted prices, input costs have increased, Eborn said.

“And those input costs just add a tremendous amount of risk and make decision making very difficult,” he said.

Even if processors want more potatoes grown in 2022, “how much are we going to increase (acres) if costs of production have skyrocketed like this?” Eborn said.

He estimates most growers’ operating costs have increased at least 20%, “and maybe as much as 30%” not including likely higher fixed costs such as equipment depreciation, overhead and land rent.

Availability of products and labor also remains a challenge.

“How do you plan when prices jump like that in a year?” Eborn said. “What are they going to be by the time you need to purchase your fertilizer, and can you lock your prices in? It’s not an easy thing to do unless you have a lot of leverage.”

Eborn said some other crops’ higher prices in 2021 could also hold back potato acreage in 2022.

Inslee to push for mandatory riparian buffers

By DON JENKINS
Capital Press

Washington Gov. Jay Inslee will ask lawmakers to impose mandatory setbacks along waterways to protect salmon, a proposal that could eliminate farmland and stifle rural development.

Inslee said Dec. 14 his plan was the result of two years of talks between his office and tribes. The “riparian protection zones” will keep water cool for fish, he said.

“There is nothing more Washingtonian than celebrating salmon and committing



Don Jenkins/Capital Press

The Chehalis River flows past farmland in southwest Washington. Washington Gov. Jay Inslee has proposed mandatory buffers along waterways statewide.

to their survival,” said Inslee, hosted by the Swinomish Indian Tribal Community.

“There is nothing that more unites us,” he said.

Washington State Dairy Federation policy director Jay Gordon said the governor’s proposal will renew a battle over buffers. “Good, grief, I thought we got past that,” he said.

The governor’s office has not released the text of the bill. According to a policy brief, the setbacks would be statewide and would be based on the height of trees along banks.

Gordon said farm groups weren’t privy to the talks between Inslee and tribes.

The proposal sounds like ones previously opposed by farm groups, he said.

“It’s a big, dumb buffer,” he said.

The buffers are part of a \$187 million salmon plan that Inslee said he will present to lawmakers. The Legislature convenes for a 60-day session Jan. 10.

Inslee rolled out the plan joined by tribal leaders. He called his salmon bill the Lorraine Loomis Act. Loomis was chairwoman of the Northwest Indian Fisheries Commission and died in August.

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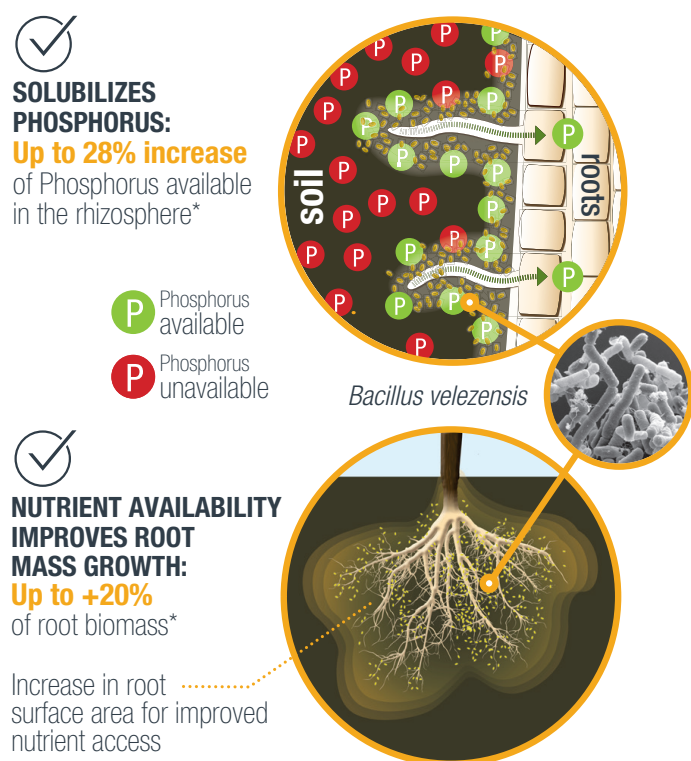
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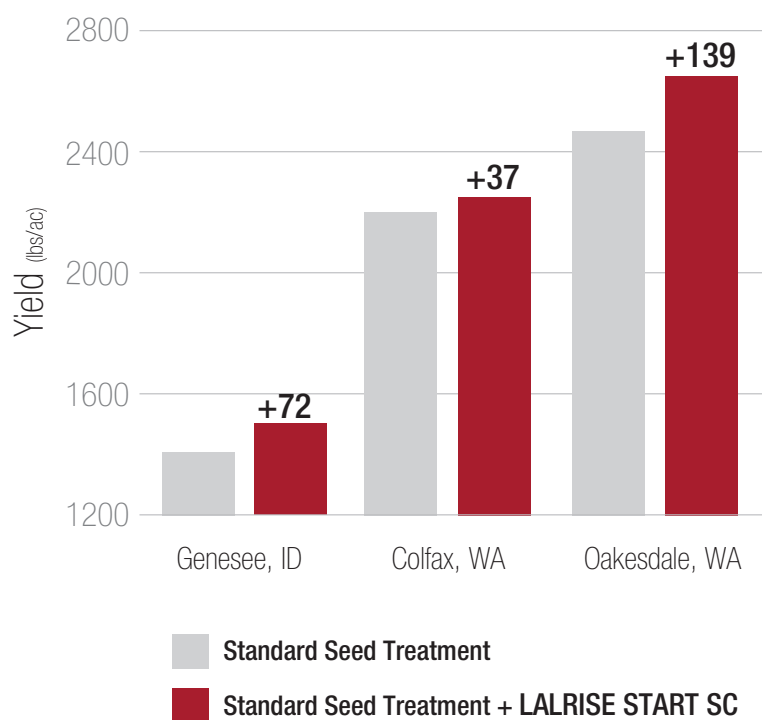
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