

Administration takes multi-pronged approach to port disruptions

By CAROL RYAN DUMAS
Capital Press

The Biden administration's Supply Chain Task Force has been "laser-focused" on agricultural exports since the disruptions began, John Porcari, ports envoy for the task force, said Monday.

The economics of containers is one reason for the disruption. Exporting an empty container from the U.S. is more valuable to ocean carriers than a container filled with agricultural products, he said.

Another reason is the record-setting volume of container traffic the pandemic brought to the U.S., he said during a webinar hosted by National Milk Producers Federation and U.S. Dairy Export Council.

"That means an unprecedented shortage of chassis, containers, truckers and the entire ecosystem that serves freight," he said.

The third reason is lost ocean carrier service, he said.

"They're concentrating on fewer ports and the most lucrative service," he said.

The administration is finding ways to incentivize and streamline agricultural exports and working with ocean carriers to restore service, he said.

In addition, there is unprecedented port funding in the infrastructure bill as well as the port action plan previously rolled out by the administration, he said.

"We'll have better data, state freight plans to support the kind of infrastructure projects that help us export and looking at exporting as a system of systems and making sure that every weak link in that system is worked on," he said.

Rep. John Garamendi, D-Calif., said everything the administration is doing is not going to solve the problem.

"The problem is these shippers, the



Don Jenkins/Capital Press File

Cargo containers at the Port of Tacoma in Washington state. The Biden administration says it is working on ways to get ocean carriers to speed up ag exports.

ocean carriers, simply do not understand the word reciprocity. They don't understand that this is a two-way street — in and out. And until they get that message, all the good things that you're doing is simply not going to solve the problem," he said.

Economics are going to drive those carriers to do exactly what they're doing until there's a law that says they can't, he said.

"If you're bringing a container full into the United States then you're going to take a container out that is also full, otherwise you're not coming," he said.

He and Rep. Dusty Johnson, R-S.D., introduced the Ocean Shipping Reform Act, which passed in the House.

The bill requires reciprocity, sets minimum service standards and makes it clear the burden for proving detention and demurrage fees are appropriate are on the carriers that impose them, Johnson said.

"I think collectively this will give the FMC (Federal Maritime Commission) the tool that they need to make this system work better, to make it more efficient and effective," he said.

USDA Secretary Tom Vilsack talked about his agency's just-announced partnership with the Port of Oakland to set up a 25-acre "pop-up" site to make it easier for agricultural companies to fill empty shipping containers with commodities. The goal is to expand that opportunity in other ports along the coast, he said.

The port is just one part of a multi-pronged strategy to make sure service is there for U.S. agriculture, Porcari said.

There are multiple previously announced pop-up sites in Georgia and more to come, he said.

"So we'll continue to build fluidity at the ports so that exports aren't disadvantaged," he said.

Ranchers tout bill to douse Ecology stockwater policy

By DON JENKINS
Capital Press

OLYMPIA — Washington ranchers told legislators Jan. 28 they were betrayed and blindsided by the Department of Ecology's plan to require livestock owners to have a water right to draw stockwater from creeks and rivers.

Ecology says the new policy, announced in December, will clarify historic water laws. Cattlemen told the Senate Agriculture and Natural Resources Committee that the department was rewriting history.

Toni Meacham, a lawyer and rancher representing the Washington Cattlemen's Association, called the new water-right stockwater policy a "surprise attack on ranchers across the state."

In response to the plan, Senate Bill 5882, introduced by Sen. Ron Muzall, R-Oak Harbor, would affirm that livestock owners can draw small amounts of surface water for their animals. The bill cites a historic connection between owning land and water rights.

Ecology maintains that the 1917 water code obligates the agency to grant water rights for beneficial use. The agency says it isn't rewriting water law, just updating its policy on advising livestock owners.

The current stockwater policy, written in 1994, encourages livestock owners to move animals away from streams and rivers by pumping water into troughs. The policy doesn't outright say a surface water right is needed.

Responding to complaints, Ecology has put the revised stockwater policy on hold. The Washington State Conservation Commission plans to lead meetings to gather public comments.

Ecology officials asked senators to not pass SB 5882 and let the public discussions go forward.

Washington Cattle Feeders Association executive director Jack Field said the current policy has protected water. The revised policy would "have dramatic, negative impacts on livestock producers of all sizes," he said.

"This is a very important policy that will touch livestock producers in every legislative district of the state," Field said.

"The only reason the Legislature may not have heard from every horse, sheep, goat, pig and alpaca owner is because they don't know about it," he said.

Stevens County Conservation District manager Dean Hellie said ranchers in northeast Washington have been drawing from streams for more than 150 years.

Ecology's revised policy sowed confusion and jeopardized conservation projects to improve water quality, he said.

"Hopefully, this bill will pass and clearly answer the question: Do stock have a water right?" Hellie said.

SB 5882 will have to pass the Democratic-controlled Agriculture and Natural Resources Committee by Feb. 3 to stay alive. Besides Ecology, environmental groups oppose the bill.

Ecology water resources manager Dave Christensen said the agency has put the policy "on indefinite hold as we have these discussions around the policy, around the issues of stockwater."

Sen. Jim Honeyford, R-Sunnyside, said he was worried about what will happen after lawmakers adjourn in March. "I'm always concerned when things are delayed until we leave session," he said.

Vaccine mandate could delay H-2A workers at border

By DON JENKINS
Capital Press

A federal rule requiring foreign farmworkers to be vaccinated against COVID before entering the U.S. could delay or strand workers at the border, National Council of Agricultural Employers President Michael Marsh said Jan. 26.

The Department of Homeland Security rejected pleas to exempt essential workers, such as truck drivers and farmworkers, from a mandate that applies to all foreign travelers. The rule went into effect Jan. 22 and will remain in place until at least April 21.

Farmworkers coming to the U.S. on H-2A visas must show proof that they have been fully inoculated with vaccines approved by the Food and Drug Administration or the World Health Organization.

Other vaccinations, such as the Russian vaccine Sputnik, are approved in Mexico, but not in the U.S.

Marsh said H-2A workers unable to show proof or who have been immunized with an unapproved vaccine will be turned away or stalled at the border for weeks until they are fully vaccinated.

"I'm very concerned we'll have potentially a large shortage of agricultural workers this season," he said.

DHS cited a surge in



Capital Press File

Seasonal foreign farmworkers must be fully vaccinated against COVID before entering the U.S.

COVID cases driven by the Omicron variant in declining to exempt essential workers. Foreign travelers deemed "non-essential" have been required to show proof of vaccination since Nov. 8.

The Centers for Disease Control and Prevention recommended extending the requirement to essential travelers. DHS said rapidly increasing cases and the growing availability of vaccines justified the broader mandate.

American Farm Bureau President Zippy Duvall said the vaccination requirement will worsen food-supply problems.

"We are extremely concerned that the Department of Homeland Security's decision to require essential

workers be vaccinated before entering the United States will limit agriculture's ability to grow safe and nutritious food," he said in a statement.

Washington had the fourth highest number of H-2A jobs in the U.S. last year, trailing Florida, Georgia and California. The U.S. Department of Labor certified 28,727 H-2A positions in the state.

WAFLA director of visa services Ryan Ogburn said he expects Washington farmers to request more foreign workers this year, but most will be returning workers who were fully vaccinated last year while in the U.S.

"I don't think it will be too much of an issue," he said. "At least for Washington state, any effect will be

rather marginal."

Farmers must try to recruit U.S. workers to fill jobs before applying to hire foreign farmworkers. The Washington Employment Security Department last year stepped up recruiting efforts, but did not find any domestic workers to fill farm jobs.

Ogburn said the competition for labor remains fierce.

Nationwide, the Labor Department in 2021 certified 317,619 H-2A positions, a 15% increase over the year before. The national rate of increase was more than double the 7% growth in Washington.

Marsh said he expects another large increase in the demand for foreign farmworkers.

A worker arriving at the border without proof of vaccination will need at least two weeks to become fully vaccinated and several more weeks for two-dose vaccines.

Agricultural employers had sought to test and vaccinate workers after they entered the U.S. to avoid delays at the border.

"Unfortunately, the Department of Homeland Security did not quite see it the way we did," Marsh said.

Port of Morrow appeals \$1.3 million DEQ fine

By GEORGE PLAVEN
Capital Press

BOARDMAN, Ore. — The Port of Morrow is appealing \$1.3 million in fines levied by state environmental regulators for excessively spreading nitrogen-rich wastewater as fertilizer on area farmland.

The port is seeking to reduce its penalty, and has requested a contested case hearing with the Oregon Department of Environmental Quality.

Located along the Columbia River in northeast Oregon, the Port of Morrow's Boardman Industrial Park is a regional food processing powerhouse, with companies producing everything from frozen french fries to cheddar cheese.

Under a DEQ permit, the port can recycle wastewater from the facilities by spraying it on farmland growing potatoes, wheat, alfalfa and other crops.

However, the amount of wastewater applied cannot exceed a certain threshold to prevent groundwater contamination.

DEQ alleges the port violated its permit more than 1,000 times from 2018 to 2021, exceeding the nitrogen limit and threatening public health and safety.

In its response, the port

did not dispute that violations occurred — specifically, that soil nitrates measured more than 30 pounds per acre in the fourth- and fifth-foot levels underground.

The port chalked up these offenses a combination of less available acreage and unusually high winter precipitation that required more fertilizer applications.

Because of those unexpected challenges, the port claims DEQ authorized up to 80 pounds per acre of soil nitrates in the fourth- and fifth-foot levels in 2019. Only six of the 66 fields cited by DEQ exceeded that limit, according to the port.

Violations were "unintentional, and beyond the reasonable control of the port," the appeal states, and "had no adverse effect on groundwater nitrate levels."


The port also denies it violated its permit by failing to monitor nitrogen uptake in crops, since there are no standard methods for such monitoring and DEQ did not provide an agency-approved method until 2021.

Measuring nitrogen in plant tissue is "neither an accurate nor a useful measure of the amount of nitrogen removed from fields by crops, and the information does not measure compliance with any permit requirement or serve any other purpose under the permit," the appeal states.

Groundwater nitrates are a serious concern in the Lower Umatilla Basin, which was designated a Groundwater Management Area in 1990 to curb contamination from non-point sources like farms and municipal wastewater facilities.

Drinking groundwater with elevated nitrates can be harmful in infants, causing a condition known as methemoglobinemia, or "Blue Baby Syndrome."

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- Feb. 16th (Spokane)** - Market Outlook and Extension Research Update, IN-PERSON
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- Feb. 24th (Spokane)** - Weather Outlook, IN-PERSON
- Feb. 25th** - Agriculture Today: New Era of Prosperity or Temporary Opportunity?, WEBINAR
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