

Oregon House votes to end agricultural overtime exemption

By **MATEUSZ PERKOWSKI**
Capital Press

SALEM — After an emotional three-hour debate, the Oregon House voted 37-23 on March 1 to end the state's agricultural exemption from higher overtime wages.

The measure is awaiting a vote in the Senate.

The overtime exemption would be phased out over five years under House Bill 4002, and tax credits would cover some of the higher wages paid by farmers. But critics claimed those provisions won't prevent the inevitable loss of family farms.

"They could be the nail in the coffin for farmers who can't absorb any more increased costs," said Rep. David Brock-Smith, R-Port Orford.

Many growers operate on razor-thin margins and would likely go out of business while waiting for the promised money from tax credits, since they can't afford higher overtime payments, he said.

Rep. Raquel Moore-Green, R-Salem, said House Bill 4002 also isn't likely to help farmworkers, since their employers will likely seek to reduce weekly hours, switch crops or simply exit the industry.

"They could reduce their operation size or cease farming altogether and sell out," she said.

Supporters of HB 4002 cast the legislation as a matter of constitutional fairness and noted that if an ongoing lawsuit against the agricultural overtime exemption is successful, farmers won't get assistance to ease the economic blow.

"I believe it's time to live up to the promise of equal protection of the law," said Rep. Paul Holvey, D-Eugene. "We owe basic protections to farmworkers and we owe it to farmers not to make a major change to their bottom line without a safety net."

Before approving HB 4002, the House voted 32-27 against remanding the bill back to a joint committee to consider an amendment favored by Republican lawmakers.

"There is still time to find a more workable solution. An Oregon solution," said Rep. Shelly Boshart-Davis, R-Albany.



The House chamber in the Oregon State Capitol.

Under that amendment, farmworkers would receive overtime relief payments from the state government after they'd worked more than 40 hours per week.

Meanwhile, farmers would pay workers time-and-a-half overtime wages after a weekly threshold of 48 hours during most of the year and after 55 hours during an 15-week "peak labor period."

"It is more generous to farmworkers than any other policy," said Rep. Daniel Bonham, R-The Dalles. "They won't have their hours cut nearly as much and will still earn overtime wages after 40 hours."

Rep. Holvey said he opposed the amendment because the state overtime payments wouldn't include contributions to social security insurance, unemployment insurance or worker's compensation insurance.

Farmworkers would also have to wait up to two months to receive the relief payments from the state government, he said.

The amendment was already thoroughly discussed and rejected by the Joint Committee on Farm Worker Overtime, Holvey said. "Sending the bill back to committee would not end up with a different outcome."

Under the version of HB 4002 passed by the House, the weekly threshold for farmworker overtime would begin at 55 hours next year and incrementally drop to 40 hours in 2027.

Most farms will be divided into three tax credit tiers based on their number of employees:

Growers employing fewer than

25 workers would qualify for tax credits of 90% of their added overtime payments next year, which would decrease to 60% in 2028, after which they'd expire.

During that time, the tax credit rate would shift from 75% to 50% for growers with 25 to 50 employees, and from 60% to 15% for farmers with more than 50 workers.

Dairies would be treated differently due to their round-the-clock need for animal care. Those with fewer than 25 workers would be eligible for a permanent tax credit rate of 100% of overtime payments, while those with more employees would qualify for a rate that incrementally shifts from 75% in 2023 to 50% in 2028, its final year.

Rep. Andrea Valderrama, D-Portland, said that lawmakers heard from thousands of farmers and workers while deliberating the bill, but said she was most moved by the testimony of employees.

Farmworkers testified about enduring chemicals, dust and injuries while not having enough money to cover their rent, education and healthcare needs, she said. "Why is it the people who do the most sacred work are the most oppressed, the most exploited?"

Rep. Andrea Salinas, D-Lake Oswego, said the agricultural exemption was created more than 80 years ago at the national level to appease Southern lawmakers who wanted to maintain segregated conditions for Black farmworkers.

"It was not about economics back then, it was about race," she said.

EPA denies objections, bans chlorpyrifos use on food crops

By **DON JENKINS**
Capital Press

The Environmental Protection Agency affirmed Friday that it will ban all residue of the pesticide chlorpyrifos on food, dismissing objections by farmers, chemical companies and several foreign countries.

Food crops treated after Monday with chlorpyrifos will be considered adulterated and barred from interstate commerce. Non-food uses will remain allowed, including applications to fruit trees that won't bear fruit within a year, according to the EPA.

The EPA, meeting a 9th U.S. Circuit Court of Appeals deadline, announced the ban in August. Farm groups asked the agency to exempt crops particularly dependent on chlorpyrifos or to delay the ban to give growers time to use up stocks.

Republican lawmakers also asked for a delay, as did Ecuador, Colombia and five pepper-producing countries in Asia that feared being shut out of the U.S. market.

The EPA said Friday it couldn't wait any longer to ban chlorpyrifos under the Federal Food, Drug and Cosmetic Act.

Chlorpyrifos residue on food by itself is enough to ban the pesticide. The agency, however, concluded that potential aggregate exposure through food, residential and landscaping uses and drinking water exceeded safe levels, particularly for infants and unborn children.

The ban is unrelated to farmworker safety, though in a press release an EPA official implied that it was.

"Today's action shows how EPA continues to put the health and safety of the public first, particularly that of children and farmworkers," said Michal Freedhoff, assistant administrator for chemical safety.

"After more than a decade of studying a large body of science, EPA is taking the next step towards the cancellation of the use of chlorpyrifos on food," she said.

Chlorpyrifos has been registered in the U.S. since 1965 and has more than 50 registered uses. The EPA estimated in 2021 that 43,430 farms use chlorpyrifos at least once a year.

Anti-pesticide groups petitioned

the EPA in 2007 to ban chlorpyrifos. The Obama EPA resisted pressure from the 9th Circuit to rule on the petition, leaving the decision to the Trump EPA.

The Trump EPA denied the petition, but said it would continue to review the pesticide's uses.

In June, however, the 9th Circuit ordered EPA to ban or modify registered uses within 60 days.

In a notice due to be published Monday in the Federal Register, the EPA said evaluating chlorpyrifos was complex, but the court was restless.

It was simply not possible to leave tolerances in place for more growing seasons in light of the court's impatience, according to the EPA.

Some states had already banned chlorpyrifos and some pesticide companies had stopped manufacturing it. Nevertheless, farm groups fought to retain the chemical.

"It was on its way out," Washington Farm Bureau CEO John Stuhlmiller said. "Unfortunately, it still takes an important tool out of the toolbox."

"The science was not as crystal clear as I would have liked to see," he said. "It just became the unpopular thing."

Soybean growers, sugar beet growers and tart cherry orchardists in Michigan asked EPA to hold hearings on the ban, as did Gharda Chemicals International. The EPA rejected the requests, saying no one offered any new evidence to consider.

At the least, farm groups hoped the agency would adopt a proposal the Trump EPA made in 2020 to reduce exposure by limiting chlorpyrifos to 11 crops in select states.

The EPA said Friday the 11-crop limit was "just a proposal" and that it didn't want to pick "winners and losers."

The EPA said studies on how chlorpyrifos affects children lacked details, such as exposure levels and what other chemicals infants and expectant mothers were exposed to.

EPA also said sample sizes were small and that it didn't have access to raw data to evaluate findings. Nevertheless, the EPA concluded the studies were "strong" and pointed to chlorpyrifos harming young brains.

Another buffer bill stalls in Washington Senate

By **DON JENKINS**
Capital Press

OLYMPIA — A House bill to require publicly funded projects to benefit salmon did not have enough support Monday to pass the Senate Ways and Means Committee, blocking the legislation, which was opposed by farm groups.

House Bill 1117 was scheduled for a vote by the Senate committee, but was skipped over. Committee Chairwoman Christine Rolfes, D-Bainbridge Island, said in an email that the bill did not have the votes to pass.

Although the bill is no longer under consideration in the Senate, the House has set aside more than \$14 million in its budget proposal to develop rules for achieving "net ecological gain" through publicly owned or financed projects.

If Senate budget negotiators come around to the House's position, HB 1117 could be voted on by the Senate before the Legislature adjourns March 10.

The public will have no more chances to comment on the legislation or watch it take its final shape. "The whole discussion goes underground," Washington Farm Bureau director of government relations Tom Davis said.

HB 1117 would make salmon recovery a goal for cities and counties. All publicly owned or financed projects would have to have "net ecological gain," even if the project was not near fish-bearing waters.

The bill would give the Department of Fish and Wildlife a free hand to determine what qualifies as net ecological gain.

Rep. Debra Lekanoff, a Skagit County Democrat who introduced the bill in the House, said the legislation was a vehicle for establishing riparian buffers.

Farm groups agree and



Seastock

The Nooksack River flows through Whatcom County in northwestern Washington state. A second bill aimed at requiring buffer zones on some river banks has died in committee — for now.

compare HB 1117 to Gov. Jay Inslee's failed proposal to mandate riparian buffers on farmland.

Washington State Dairy Federation executive director Dan Wood said Monday that budget writers should increase funding for voluntary conservation programs, rather than imposing "extreme regulations."

"Doing that would actually harm salmon recovery because it would make it impossible for farmers to participate in conservation programs," he said. "There is no soundness to that approach at all."

Fish and Wildlife and environmental groups have testified in support of the bill, saying it's necessary for salmon survival. Some tribal officials have criticized leaving salmon recovery up to an undefined "net ecological gain."

Prior to Monday's Ways and Means Committee meeting, Rolfes sponsored a striking amendment — a rewrite of the bill that would have kept salmon recovery as a goal for local governments but dropped most references to net ecological gain.

Rolfes said her proposal did not have enough support to pass and is no longer being considered.

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