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Our View

Earth Day, NEPA and the 'Infrastructure Decade'

The 1960s marked the dawn of environmentalism in the U.S. Prodded by the publication of such books as Rachel Carson's "Silent Spring" and the 1969 oil well blowout that sent a slick of black tar onto the beaches of Santa Barbara, Calif., every newly minted environmentalist took up the banner of "saving the Earth."

Earth Day was first celebrated in 1970 — the 52nd iteration was observed last week — adding momentum to the new environmental movement.

Congress even got into the act. In 1969, it passed the Endangered Species Conservation Act, the predecessor of the Endangered Species Act it passed in 1973.

President Richard Nixon created the Environmental Protection Agency in 1970, right after he signed the National Environmental Policy Act, called the "magna carta" of fed-



Sierra Dawn McClain/Capital Press
President Joe Biden speaks about the infrastructure law in Portland last week. Will his administration's rewrite of NEPA be used to block some of those projects?

eral environmental law. It requires federal agencies to assess the impact large projects will have on the environment.

Capital Press readers may recognize the acronyms NEPA, ESA and EPA. They regularly appear in news stories about lawsuits environmental groups — most of which didn't exist in 1970 — regularly file seeking to

stop forest thinning projects, grazing and other activities.

In a half a century, the uses of those laws have mutated from protecting the environment to stopping projects unpopular with special interests. Environmental groups use the laws for their purposes, including fundraising, while the wellbeing of nature seems to be secondary.

Projects, even those aimed at reducing the destruction of forests by wildfire and protecting the habitat of protected species, are stopped or delayed, some for more an a decade. One such project in the Cascade Range was delayed 12 years by an environmental lawsuit.

In the end, the project aimed at preventing or diminishing the severity of wildfires across 160,000 acres of the Deschutes National Forest was allowed to proceed.

In the meantime, the resources of federal agencies were sopped up by legal expenses defending against

wave after wave of attacks.

This most certainly was not what Congress had in mind when it wrote those landmark environmental laws.

Congress recently set aside \$1 trillion for what President Biden has called the "Infrastructure Decade." He visited Portland last week promising the money would go for all sorts of projects across Oregon and the rest of the nation. Like many other states, Oregon is in dire need of upgrading ports, roads, bridges, dams, irrigation canals and other infrastructure.

Ironically, an effort to rewrite NEPA that his administration has undertaken could spell the end — or costly delays — for some of those projects. Environmental groups will be able to use NEPA and other laws to head for court in an effort to stop or stall them.

And it will happen despite the fact that those laws passed in the 1960s and 1970s were meant to protect the environment, not stop progress.

Our View



Sierra Dawn McClain/Capital Press File
Farmworkers work in vineyards in Turner, Ore. The new law on overtime will change Oregon agriculture.

OT law will prompt changes in Oregon ag

Oregon Gov. Kate Brown has signed legislation that will grant farmworkers overtime pay after 40 hours of work beginning in 2027.

Under the law, farmworkers will be owed time-and-a-half wages after 55 weekly hours of work in 2023, after 48 hours of work in 2025-2026 and after 40 hours per week beginning in 2027.

The legislation changes a farm pay formula that has stood for 84 years, and will lead to big changes for both employers and employees.

The Fair Labor Standards Act, passed by Congress in 1938, established a federal minimum wage and provided for overtime pay for work over 40 hours. The act also provided 19 job classifications, including farmworkers, that are exempt from the overtime rule.

Critics argue that the exemption was the product of racism and pandering to the needs of special interests — big, "corporate" farming concerns. Farmers of every scale note that farm work is distinct from factory production. The nature of most farm work makes it difficult to schedule in eight-hour days and 40-hour work weeks.

The economics of agriculture have not changed since 1938. Farmers are still price takers, not price makers, who cannot simply pass along higher labor costs to consumers the way retailers and manufacturers, though limited by the impacts of competition, do.

Gov. Brown acknowledged that the bill she signed is not perfect. She points out that the bill allows for a phase-in for overtime pay, a provision she says will give farm interests time to negotiate changes and improvements

to the legislation.

No doubt farm interests will try to get the law changed. But, it seems unlikely there will be significant changes made. It is more likely that farmers and processors will use the grace period to find ways they can change their operations to reduce labor costs.

Mary Anne Cooper, vice president of government affairs at the Oregon Farm Bureau, said farm employees will also lose out when employers can't afford to hire more workers or must offer workers fewer hours.

"We think this legislation will have devastating consequences for our family farms and their employees, will likely result in significantly reduced farm employment in Oregon and is really going to change the landscape of Oregon agriculture," said Cooper.

Innovators are busy designing machines that can do intricate and delicate work such as picking fruit and pruning trees. Higher labor costs will hasten that effort.

Farmers who produce labor-intensive crops are also weighing the profit potential of growing crops that require less labor. Those crops generally are not as valuable as the labor-intensive crops, but for smaller producers the potential reductions in costs could make those crops more viable.

Inevitably, some farmers will decide that they can't afford higher labor costs, increased automation, or changes in their cropping plans. They will sell out to a larger operation that can.

We think everyone performing farm work should be paid as much as business conditions allow. But we know that mandating overtime won't change the basic economics.

Biden administration ignores the facts — dams are not the problem

It is completely mind-boggling that amidst an energy and supply chain crisis, President Biden would remove a source of power and transportation for an entire region. Yet, just recently, the White House updated their blog with a post about doing just that: breaching the four Lower Snake River Dams.

This "blog post" proves that the Biden Administration is beholden to radical, environmental lobbyists, and is only hearing their side of the argument. They are completely ignoring the devastating impacts that breaching the Lower Snake River Dams would have on the people of Central Washington and the entire Pacific Northwest. And they're trying to use salmon to prop up their flimsy arguments.

Not only is their narrative peppered with falsehoods, but it completely ignores so many elements of this many-faceted issue. It ignores not one, but two multi-year, multi-million dollar studies implemented by both Republican and Democratic administrations that came to the conclusion that dam-breaching would not benefit our native salmon species. Let me repeat that: conservation experts and scientists studied this issue for years and came to the same conclusion most of us know already: salmon and dams coexist.

And you know why? Because we have done what Central Washingtonians do: innovate, adapt, and thrive. There is no doubt that construction of dams throughout the Pacific Northwest has placed significant impacts on fish and our environment, but these species began declining long before the Lower Snake River Dams were even built. In the 1940s, 1950s, and 1960s, the state of Idaho quite literally poisoned their lakes and waterways systematically to exterminate native salmon populations because they weren't "good fishin'."

Today, we have done more than just overcome these impacts. We have taken steps to restore and protect our native salmon populations, including continued investments in research and development, as well as new technologies to improve fish passage.

I remain committed to bolstering native salmon populations, and it is important to

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Newhouse



note that it is not just the dams that have impacted the species. The stressors and challenges they face result from a myriad of issues, including poor ocean conditions, excessive predation, and environmental degradation like sewage dumping. Our dams have fish ladders and well over a 90% fish passage rate, and our salmon are showing record levels of recovery. To compress these impacts into one singular argument — that dam breaching is the only answer — is a disingenuous perspective that should be rejected.

Every day, fish biologists, local conservation partners, tribal neighbors, and federal agencies work hard to protect and revitalize this population. The data shows they have made clear and significant progress.

Unfortunately, radical environmentalists have decided that they want our dams breached at any cost—and they won't stop with just ours. Because of the political power they hold, Governor Inslee and Senator Murray have bought into their unscientific notions. And now, the White House is perpetuating their myths.

The men and women who live in Central Washington rely on these critical pieces of infrastructure for clean, carbon-free energy throughout the region, water for their crops that feed the world, and clean, reliable transportation to move their goods to export markets. They don't just want to keep these dams; they need these dams. And I won't let them take them.

I will continue to fight for our dams, and the clean energy, reliable transportation, and life-giving water they provide. I will listen to the science, which shows that dams are not the problem. I will support our salmon recovery efforts — that are working. And I urge these misguided groups and ill-informed officials to stop playing politics with these dams: our way of life in Central Washington and the Pacific Northwest depends on it.

Dan Newhouse, a Republican, represents Central Washington state in the U.S. House.

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