
CHAPTER TEN

IMPROVING AGRICULTURE

1. Policy Recommendation: Protect the H-2A jobs program

Washington agriculture faces a growing labor need to maintain its place as a leader in food production. A key element in filling farm jobs is a robust migrant labor force, which in turn provides opportunity and income for migrant families.

As farmers and ranchers in Washington continue to compete for access in the global marketplace, they must have employees to help grow and harvest their crops.

The federal H-2A work program

An important part of creating farm jobs is the federal government's H-2A work visa program. Authorized by Congress, the program permits workers from Mexico and other countries to work legally on farms in the United States.

The H-2A program provides jobs, income and access to housing and health care for migrant workers. It also encourages stability and community growth, as workers develop a relationship with employers, reducing the need for migrants to move around the country at harvest time.

Benefits to Washington state

The H-2A work program provides significant benefits to the public interest in Washington state. In 2016, there were approximately 97,000 seasonal farmworkers employed in

Washington.¹ In the same year, 13,689 H-2A temporary agricultural work visas were approved for Washington employers.²

H-2A temporary agricultural work visa

The size and popularity of the H-2A temporary agricultural work visa program highlights the need for additional agricultural labor. The use of the H-2A visa program is an expensive, time-consuming and last-resort process for employers in Washington and, yet, it is often used to the maximum extent possible each year. According to the U.S. State Department, participation in the H-2A visa program grew by 218 percent between 2007 and 2017, more than doubling the size of the program.³

Conclusion

Critics of H-2A work visas say farmers and ranchers are “exploiting” workers by providing good-paying jobs. However, the program is entirely voluntary and is popular with employers and workers. The H-2A jobs program is over-subscribed, with far more migrant workers seeking visas than places available each year.

Because it serves the public interest and contributes to food security, lawmakers should protect the H-2A jobs program from needless state-imposed costs. The state should not place added fees and restrictions on this federal program, and should work for its expansion so that migrants can get jobs legally in the state.

1 “Farmworker services,” Jobs and Training, Washington State Employment Security Department, accessed November 12, 2019, at <https://esd.wa.gov/jobs-and-training/farmworker-services>.

2 “Office of Foreign Labor Certification Annual Report 2016,” Employment and Training Administration, U.S. Department of Labor, https://www.foreignlaborcert.doleta.gov/pdf/OFLC_Annual_Report_FY2016.pdf.

3 “Unlimited cheap farm labor: Evaluating H-2A disclosure data,” by Preston Huennekens, Center for Immigration Studies, August 6, 2018, at <https://cis.org/Report/Unlimited-Cheap-Farm-Labor-Evaluating-H2A-Disclosure-Data>.

2. Policy recommendation: Enhance labor force training in agriculture to promote jobs and increase food production

Despite automation and the use of modern machinery, food production is labor intensive, requiring trained and dedicated workers to manage the land, bring in harvests and feed the world.

The Food and Agriculture Organization of the United Nations projects a world population of 9.1 billion by 2050.⁴ The demand a population of that size places on the food system will require labor to help with the cultivation and harvesting of those crops.

Policy shift away from manual labor

In the early 2000s there was a shift in educational discussions away from trades, vocations, and manual labor to promote traditional four-year college for everyone, with the heavy implication that manual blue-collar jobs are undignified.

As a result, policymakers have focused education and training policies on fast-growing sectors of high-tech communications, computer software and aerospace, while neglecting the labor needs of the rural areas of the state.

The blue-collar labor force has aged and rural communities find it difficult to attract new employees. Today, the agricultural sector is experiencing a labor gap, making it harder to harvest crops and maintain the food supply.

4 “Global agriculture towards 2050, How to feed the world 2050,” High Level Expert Forum, Food and Agriculture Organization 2050, Rome, October 12 - 13, 2009, at http://www.fao.org/fileadmin/templates/wsfs/docs/Issues_papers/HLEF2050_Global_Agriculture.pdf.

The dignity of manual work

Far from being seen as undesirable or not respectable, manual labor enhances human dignity and service to the community. The public policy discussion of education and development needs to shift back to an emphasis on the dignity of manual trades, vocations, and the essential value of blue-collar jobs.

The way to promote that dignity is to emphasize the potential to build a better life through human-development programs like FFA and 4-H.⁵ These programs encourage entrepreneurial initiative, engineering skills, and mechanically-minded abilities for the betterment of agriculture that can be put to use on the farm.⁶

Alternative educational and training opportunities

The first step to solving labor needs for Washington farmers and ranchers is to promote the development of the agriculture-sector workforce. This is best done by offering a wide range of alternative education and training options.

Career and Technical Education (CTE) programs, Skills Centers, technical colleges, apprenticeships and similar programs match students with their interests and abilities. These learning programs provide educational alternatives to traditional four-year programs, which often do not serve the life-skill needs of students and tend to burden them with long-term debt.⁷

5 Future Farmers of America and 4-H; Head, Heart, Hands and Health.

6 “Celebrating career and technical education,” by Cyndie Shearing, FFA New Horizons, Future Farmers of America, February 15, 2018, at <https://www.ffa.org/ffa-new-horizons/celebrating-career-and-technical-education/>.

7 “Skill Centers, Career and Technical Training,” Office of the Superintendent of Public Instruction, Washington state, accessed October 30, 2019, at <https://www.k12.wa.us/student-success/career-technical-education/skill-centers>.

Conclusion

Policymakers should devote equal attention and resources to educational alternatives and vocational training in the agricultural sector. This approach would open new job opportunities in the domestic workforce, and help to fill the labor needs of farmers and ranchers in Washington state.

3. Policy Recommendation: Protect job opportunities and overtime exemptions for farm workers

A 40-hour work week is standard for city-based jobs, but does not fit the needs of many agricultural employers. State law provides important exemptions in cases when government-imposed work rules don't make sense.⁸ From the beginning, lawmakers have protected rural jobs by providing an overtime exemption for farm workers. Those exemptions are now at risk.

Exemption is based on the nature of farm work

The policy exists for good reason. The cyclical nature of farm work makes the agricultural exemption essential to successful harvests and in promoting food security in Washington state.

Over 300 food items are grown and raised in Washington. Periods of planting, growing and harvesting are seasonal and highly weather-dependent, and farm labor needs vary accordingly.

For example, early spring planting and late summer to early fall harvests throughout most of Eastern Washington require long hours in the fields. Other periods, during winter and mid-summer, are slower. To offset the long hours required at certain times, most

⁸ Revised Code of Washington 49.46.130, "Minimum rate of compensation for employment in excess of forty hour workweek – exceptions," accessed November 12, 2019, at <https://apps.leg.wa.gov/rcw/default.aspx?cite=49.46.130>.

farmers and ranchers shorten workdays for employees whenever possible.

Flexible scheduling

Flexible scheduling is essential to rural life. Entire families pitch in at harvest time, while slow seasons are a chance for a more relaxed work pace, county fairs, and communities activities. The need for flexibility is reflected in the yearly school schedule, which still preserves the rhythm of country life.

The overtime exemption for farm employees gives farmers a way to effectively run their businesses without pricing them out of the employment market. The exemption also gives farm employers the ability to exercise discretion in how they compensate their employees for their hard work.

Salaried wage structure

To preserve job opportunities, some farmers and ranchers are providing workers with a regular salary structure, meaning workers can rely on a steady income regardless of seasonal variations in work hours.

By providing employees with a steady rate of pay, regardless of hours, farmers are able to reduce turnover and build a team of good workers who have institutional knowledge of operations on a particular farm.

In doing so farmers and ranchers are adopting a hiring practice that is common among city-based employers. Some activists say farm workers should not be paid with a fixed salary, but they rarely question a computer programmer working a variable schedule of 50 hours one week and 10 the next, while being paid the same fixed salary every week.

Providing employment security

The key advantage of flexible scheduling and regular salaries for farm workers is that it avoids seasonal layoffs. Farmers and ranchers want to retain good employees, and they have every incentive to protect workers from the intermittent nature of agricultural work.

This finding is supported by the example of a worker earning \$15 an hour on an occasional basis who is laid off during slow times. Such a jobless worker might be eligible to receive around \$1,552 a month in unemployment benefits.

However, if that same worker earns \$15 an hour on a salaried basis, he can earn a steady \$2,400 a month regardless of how many hours are worked, with the added benefit of employment security.

Respecting the dignity of work

It is misleading, though, for policymakers to focus simply on hours and dollars. Equally important is the need to respect the dignity of work and the job choices of workers.

State lawmakers should not impose their own arbitrary roadblocks to undo the voluntary and mutually beneficial decisions of farmers and workers. When state officials make certain work hours illegal, they shut down access to job opportunities, and deny workers the personal worth and independence that comes with earning a living.

Conclusion

Lawmakers should respect rural communities and avoid imposing arbitrary city-style work rules on farm and ranch workers. Lawmakers may think they are punishing employers,

but repealing the overtime exemption would fall hardest on workers, because they would become subject to lay-offs, lost job opportunities and and be denied the dignity of earning an income.

4. Policy Recommendation: Remove gray wolves from the Endangered Species list

Just over a decade ago, there were no wild gray wolves in Washington state; now the population is thriving, as anticipated under the targets set by the state for recovery. Contrary to popular belief, gray wolves were not officially re-introduced to Washington state. Rather, a successful breeding pair was discovered in 2008, marking the first such pair seen in the state since the 1930s. The natural, wild wolf population then grew quickly.

Successful population recovery

A decade later, the Washington Department of Fish and Wildlife reports there are 126 gray wolves in 27 packs throughout the state, most of them located in the Northeastern part of the state.⁹

This meets the scientific standard set by the Department of Fish and Wildlife Gray Wolf Conservation and Management Plan for a “recovered species.” According to state officials, the scientific recovery standard for the wild wolf population in Washington is 15 breeding pairs for three years.¹⁰ The current self-sustaining wolf population meets that level.

9 “Gray wolf conservation and management,” Species and Habitats, Washington Department of Fish and Wildlife, accessed November 12, 2019, at <https://wdfw.wa.gov/species-habitats/at-risk/species-recovery/gray-wolf>.

10 Gray wolf conservation and management plan,” Species and Habitats, Washington Department of Fish and Wildlife, accessed November 12, 2019, at <https://wdfw.wa.gov/species-habitats/at-risk/species-recovery/gray-wolf/management-plan>.

Unrealistic state plan

State officials, in part, responding to political pressure groups, say that a healthy wild wolf population is not enough. They assert that wild wolf packs must be distributed throughout the state.

Yet tracking data shows the area in which wild wolves are thriving, Northeast Washington, provides the perfect gray wolf habitat: Easy access to denning sites; rugged terrain with few people; broad ranges and valleys for roaming packs; and access to abundant natural food sources.

These ideal conditions indicate that expecting easy dispersal of wolf packs beyond the bounds of Northeast Washington is not realistic or supported by the science.

Protecting lives and property

Gray wolves are wild predatory animals. They hunt in packs and will target any creature that is too small, weak or sick to escape or fight back. Ranchers need to be able to protect livestock, which are not part of a wolf pack's natural prey, from depredation.

Coexistence with apex predators that have returned to an ecosystem relatively recently involves competing needs, but a healthy balance can be achieved if all parties are willing to come to an agreement.

Conclusion

Since the wolf population has recovered and is in a healthy, self-sustaining state in the wild, the gray wolf should be de-listed from the Endangered Species Act. This would reduce conflict and demonstrate to the public that the Act is successful in helping a natural species recover,

The Colville Indian Tribe, for example, allows tribal hunters to kill wolves year-round. The tribal government also removed the three-wolf limit; indicating the thriving state of the wild population.¹¹

To maintain wolf populations and reduce conflict with ranchers, a post-recovery plan should be developed with the local knowledge of ranchers most affected by depredation. Potential policies include increasing compensation payments when wolves kill livestock, and more support for non-lethal options like range riding and similar herd protection. Washington policymakers can also learn from other states, like Montana, where wolf recovery has been managed successfully.

Ultimately, the best solution will come from people on the ground, working out solutions that manage the risks of wolf re-introduction when wild populations are rapidly increasing toward recovery goals.

5. Policy Recommendation: Maintain free trade and open access to Washington ports

Washington farmers produce food for a global market. Government agencies operate a system of modern port facilities built and maintained in part with tax money. Without public access to the state's ports, Washington's agricultural sector would shrink to a fraction of its current size.

In 2017, the state exported more than \$15 billion worth of food and agricultural products to people around the world, more

¹¹ "Colville Tribe removes wolf hunting limits for members," by Eli Francovich, *The Spokesman Review*, February 22, 2019, at <https://www.spokesman.com/stories/2019/feb/22/colville-tribe-removes-wolf-hunting-limits-for-mem/>.

than half of which was grown or raised in Washington.¹² To cite one example, Washington is a top exporter of food to Asia. Beneficiaries of Washington crops include people in Japan, China, South Korea and the Philippines.

Washington ports are the closest mainland ports to Asia, as well as providing access to global markets. Modern transport allows Washington farmers to improve the nutrition and vary the diets of millions of people worldwide.

The ports of Seattle, Tacoma and Longview are major shipping points for Washington products, in addition to goods transported from other states. Further, all-weather highways and the barge system on the Columbia and Snake rivers allow swift and safe shipment of farm produce. These are public facilities, built and maintained for the purpose of allowing the people of Washington to connect with the world.

Port shutdown hurts growers

The ability of growers to move products came to an abrupt halt in 2014 and 2015 because of strikes. Union action shut down West Coast ports, resulting in millions of dollars in lost revenue for farmers and other food producers. Tons of fresh fruit and vegetables rotted in warehouses at 29 ports along the West Coast during the strike. Washington state apple growers, for example, lost an estimated \$100 million.¹³

Overall, in-state businesses lost an estimated \$769.5 million

12 “Washington is the third largest exporter of food and agricultural products in the U.S.,” Export Statistics, Washington State Department of Agriculture, accessed October 30, 2019, at <https://agr.wa.gov/departments/business-and-marketing-support/international/statistics>.

13 “Washington farmers dump millions of apples after ports dispute,” NBC News, May 29, 2015, at <http://www.nbcnews.com/news/us-news/washington-farmers-dump-millions-apples-after-ports-dispute-n366426>.

during the port shutdown.¹⁴ Not included in this estimate is the loss of global market share for Washington growers, which may take years for them to recover.

The port slowdown dragged on for many months without action by state or federal officials to intervene, as they had done in previous port disputes.¹⁵ The controversy had nothing to do with the private market. It occurred at facilities built and operated by government agencies. The lack of action by public officials caused even greater financial loss for Washington’s farm families and businesses.

Conclusion

As a matter of policy, state lawmakers and federal officials should ensure the public has regular and dependable access to Washington ports and that these public facilities are protected from unions and damaging labor disputes.

Further, a policy of open exchange and free trade should be a priority for state and federal policymakers, to ensure that Washington growers can reach markets around the world. The public interest of Washington’s agricultural communities should not suffer because of the narrow economic agenda of organized labor or any other special interest.

14 “The economic costs of the 2014-2015 port slowdown on Washington state, Community Attributes, Inc., Washington Council on International Trade, February 2016, Exhibit 3, page 9, at <http://wcit.org/wp-content/uploads/2011/08/WCIT-Port-Delays-Economic-Impacts-Report-FINAL1.pdf>.

15 “Is president considering ‘nuclear option’ in ports dispute?,” by Elizabeth Weise, *USA Today*, February 18, 2015, <http://www.usatoday.com/story/news/2015/02/18/labor-secretary-perez-west-coast-ports-ilwu-dispute/23611117/>.

Additional Resources

“Tough times call for open markets,” by Pam Lewison, Washington Policy Center, June 5, 2019

“Senate’s H-2A bill builds a wall of unnecessary paperwork,” by Pam Lewison, Washington Policy Center, March 13, 2019

“HB 1398 would add costs and reduce work opportunities for legal migrant workers,” by Pam Lewison, Legislative Memo, Washington Policy Center, February 2019

“Gray wolf management highlighted by H.B. 1045,” by Pam Lewison, Washington Policy Center, January 17, 2019

“How U.S. trade disputes affect Washington state’s agricultural communities,” by Madi Clark, Policy Brief, Washington Policy Center, January 2019

“How Washington farmers would benefit from reforms to the federal Farm Bill,” by Madi Clark, Policy Brief, Washington Policy Center, July 2018

“Farmers meet diverse demands, including keeping food affordable,” by Madi Clark, Policy Brief, Washington Policy Center, April 2018

“Free trade a boon to workers, the environment,” by Todd Myers, Washington Policy Center, guest op-ed in *The Spokesman-Review*, November 12, 2017

“Agriculture: The cornerstone of Washington’s economy,” by Chris Cargill, Policy Brief, Washington Policy Center, March 2016