

THE ADVOCACY ISSUE

Part 4: THE ISSUES

The OAN engages in a wide variety of issues affecting members

EVERY LEGENDARY BAND or musician with a deep repertoire still has a song, like Lynrd Skynrd's "Freebird," they must play at every concert, usually during the encore.

The Rolling Stones always end with "Gimme Shelter." Bob Dylan plays "Blowin' in the Wind." Andy Williams always finished with "Moon River."

Jeff Stone often breaks out the "signature song" metaphor when talking about the issues the Oregon Association of Nurseries tackles. There are many, but the OAN does have its "Freebird" — the long-unsolved immigration and workforce issue.

The need for a legal and willing workforce is essential for all nurseries. The OAN, in conjunction with national allies, has continued to try to advance a bipartisan immigration bill in the U.S. Congress that results in a legal workforce, border security and resolution for people already in the country.

"No one leads more on the immigration side of this issue than us," Stone said. "We don't do that because we want cheap labor. We do it because there's a labor crisis and something needs to be done."

But immigration is not the only issue OAN works on.

"Our true north for the association's political activity is what is in the best interest of the long-term health of the nursery and greenhouse industry," Stone said. "That set of issues can change from year to year. We're not just a single-issue industry, such as the gun industry, which is focused on gun rights. We have one of the widest selections of issues that we engage in. We're not just anti-tax, but pro-immigration. We need to look at everything, from growers being able to start a plant to grow a plant to ship a plant."

The way past president Leigh Gechwill sees it, it's an unpredictable world, and nurseries need to be defended on a variety of fronts these days, from taxation to labor regulations to proposed climate change legislation.

"Most of us want to be able to do some short term and long-range planning for our businesses, and we just literally don't

know what's coming at us next," she said. "It used to be we had a 2-3-year heads up (on what was coming). That's still true to an extent, but there is so much that just comes out of the blue.

Uncertainty to me is the worst. I can respond to a lot of things if I have time to plan for it, but I don't have time to plan for the things they're throwing at us.

According to OAN contract lobbyist Elizabeth Remley, legislators know their supporters expect them to deliver outcomes, so OAN needs a broad set of relationships and alliances to avoid being steamrolled. "With the big ideas the legislature's been having, it's more important to have relationships outside the traditional agricultural space in the capitol," she said.

A multifaceted labor issue

For nurseries, the labor issue is complicated. They continue to work for an adequate labor supply while fighting against rules that increase employment costs.

The immigration issue is federal, so there's very little the state can do. "We know the Oregon Legislature would do what we need on workforce, but they can't," Remley said.

Meanwhile, regulations setting the ground rules for employers can be either state or federal. The OAN generally prefers a federal approach, so producers in different states can compete on a level playing field.

"What we need is Congress to step in, to overcome their petty differences, and get some modern workforce policies in place so the state doesn't need to step in," Remley said.

That hasn't happened, so the Oregon Legislature has devoted a great deal of attention to imposing employee benefit mandates in the past few years. Democrats have a supermajority in both legislative chambers, and the ability to pass almost any legislation without Republican support.

"The legislature's focus is on employee rights and benefits and expanding those pretty aggressively in Oregon," Remley said.

For Kathy LeCompte, a past president and longtime





Government Relations Committee member, it really has hurt the relationship between workers and nurseries.

“There seems to be an assumption that we abuse our employees and it’s up to government to catch us, and it couldn’t be further from the truth,” she said. “We depend

would have been a true nightmare for us.”

Another is the minimum wage.

The 2016 Oregon Legislature passed a new minimum wage law. The OAN was active on the issue from the beginning, taking part in a governor’s workgroup with union and business representatives. Although

nurseries largely pay above the minimum wage, they are concerned about wage compression if the starter wage goes up — others must go up along with it.

The unions had a ballot measure ready if the Legislature didn’t act.

“I saw the polling,”

Stone said. “The business community saw the polling and if it went to the November election, it was

going to pass 70–30. It would have been a jump from \$9.25 an hour to \$15. It’s not unusual for forces to brandish a ballot measure in order to get people to compromise. And so the unions held these cards, and the bigger question was, ‘How do we make it less crappy? What’s the best worst alternative?’”

The OAN successfully pushed for a law that phased in the increase over a period of six years and broke it down by regions — urban (highest), rural (lowest) and standard (in the middle). “The signature win was the recognition that the urban and rural economies are different and have different cost structures, and they need time to adjust,” Stone said. “We wanted a 10-year phase-in, they wanted two years, and we settled on six.”

The OAN and other business groups could have fought it head-on, but chose not to. They saw that the political winds weren’t favorable.

“We weren’t going to win on saying people should be poor,” Stone said. “It further divides worker versus employer. But the other side needs to realize there’s

a lot of investment and risk by employers that a lot of people don’t take into consideration, including legislators.”

Natural resources and trade



Bills related to natural resources are huge for the nursery industry. Whether it is proposed climate change legislation, or actions dealing with plant pests and diseases, the OAN must be involved.

“We are an industry that bridges the urban-rural divide,” OAN legal counsel Steve Shropshire said. “Many of our final customers tend to be in urban areas, whether it’s professional landscapers or individual homeowners.”

OAN advocates frequently remind legislators that nurseries provide solutions to the climate change issue.

“We’re a very green industry that produces plants that live for years and suck up carbon dioxide,” Shropshire said. “We should be viewed by those urban legislators who have a burning desire to address climate

TIPS ON TESTIFYING

“I try to keep it simple. Sometimes I’ll relate it to my personal family’s way of handling things, because everybody understands how income and expenses affect their family ... If they understand agriculture, sometimes I can be more technical ...

“It’s no harder than talking to your neighbor. The legislators are not trying to trick them into saying something they wish they hadn’t. They may not agree, but they listen.

— Kathy LeCompte

on our employees and we need them and we treat them as well as we can.”

New rules have required more documentation of processes already, such as vacations, time off for sick pay, health plan and retirement plans.

“Any legislation that affects how we work with our employees can have a huge impact on our daily business,” incoming OAN president Kyle Fessler said. “Administrative costs — we have been giving our employees health insurance, retirement plans and paid time off, years before any of it was required. All the requirements have done is put more stress on us to fill out paperwork ... to prove to the government that we are doing them. It doesn’t add any plants to the production or any dollars to the bottom line.”

Major wins on labor

In spite of the bleak landscape, the OAN has won some major victories on employer issues. One is predictive scheduling, which requires employers to notify employees when they’ll be working. The Oregon Legislature passed the law, but in a way that held nurseries harmless.

“We were able to negotiate it to a threshold well above where it would have affected anyone in OAN,” Bigej said. “That

TIPS ON TESTIFYING

“I feel like we’ve been crisis mode for the last four years. Polite politics have gone out the window. Whoever’s in power is going to push through their policies. We’ve had to [engage] in more direct conversations. There doesn’t seem to be as much consensus anymore. Things seem to be more emotional. We as an industry have had to be aggressive and make sure that how these policies affect us is at the forefront of these legislators’ minds.

— Kyle Fessler

change as a very holistic solution that knits together the urban-rural divide.”

Unfortunately, efforts to make climate change legislation more nursery-friendly have failed so far. The Oregon Legislature attempted to pass a climate change bill that would have included funding for plants as a carbon offset, but it also didn’t do enough to mitigate cost impacts. Nurseries cried foul, saying they couldn’t sequester carbon if they couldn’t afford to grow the plants.

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Means everything

TO THE OAN



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NURSERIES™

THANK YOU

The OAN is your vigorous advocate for the nursery industry. It matters every year, but this year it mattered like never before. Coronavirus threatened to shut the industry down. The OAN prevented that from happening, but in the process still lost this year's Farwest Show — a major revenue driver for the association — due to the pandemic. It left a major gap in the association's budget, even after budget adjustments, including the layoff of three staff members, reduced hours and salary for the rest.

So many of you stepped up in response. You donated your Farwest Show booth payments to OAN, made direct cash donations, and responded to our call for supplemental dues funds. So far we have raised **\$190,348 towards our \$250,000** fundraising target, thanks to the kind generosity of our member businesses.

76%

Although we have made impressive progress, we still have not reached our goal. Please chip in with a donation to OAN! Your donation will mitigate the impacts of the OAN's budgetary shortfall and help restore the association to healthier footing.

If we all chip in, we will **keep the OAN healthy, vital, intact** — and working for us.

Warm regards,

Mark Bigej, Al's Garden & Home
OAN Past President (2017)

Pete Brentano, Brentano's Tree Farm LLC
OAN Past President (2006)

Tom Fessler, Woodburn Nursery & Azaleas Inc.
OAN Past President (1996)

Leigh Geschwill, F & B Farms and Nursery
OAN Past President (2016)

Rod Park, Park's Nursery
OAN Past President (1991)

Doug Zielinski, Alpha Nursery Inc.
OAN Past President (1999)

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*Diamond level: Companies that donated part or all of their 2020 Farwest Show booth costs AND paid supplemental dues. **Platinum level: Companies that donated part or all of their 2020 Farwest Show booth costs OR paid supplemental dues.



“The carbon tax was a big one for us,” Fessler said. “That was the first bill I ever testified on. It was such a controversial issue, and there was so much information flying around. The Democrats had control and they were going to see it happen regardless.”

Ultimately, the bill didn’t pass after Republican legislators walked out of the state capital, refusing to allow a quorum.

“The nurseries stood up and said ‘We

him, the practical challenges are formidable, but so are the political ones.

“Water supply and water quality issues generally don’t resonate very well with urban legislators because their constituents tend to think water comes from the tap, and don’t need to think about what influences whether they get clean water to drink,” he said.

“Because the legislature is dominated by urban legislators, it’s challenging to get the legislature to think about water as anything but a short-term issue.”

The OAN has tried to work with other water users on long-term solutions for increased water storage, so nursery supplies are protected.

“We are interested in sort of futureproofing our supplies with cli-

mate change,” Shropshire said. “The general consensus at this point is that we will see our precipitation convert from winter snow to winter rain. In Oregon, because we don’t have many storage reservoirs, we rely on winter snowpack. If that means water hits the ground and runs away, we’re going to be left with less water.”

OAN doesn’t want that to happen.

“We are up against foes in the form of environmental groups that would like to yes, take water rights out of agricultural use and convert them to environmental uses,” Shropshire said. “And so while we are not principally opposed to win-win solutions — and I’ve promoted that from time to time where farms, families and fish all come out ahead — we actively oppose legislation that seeks to prioritize in-stream flows and endangered species over agricultural production.”

Pests, diseases and regulations

The nursery industry frequently encounters pest and disease issues in its production processes. It’s the nature of the game. Pests and pathogens will attack plants any chance they get, rendering

them damaged and unmarketable.

The OAN regularly leads the charge for research funding to tackle these challenges.

Part of the pest and disease battle is keeping control tools available when they are needed. There is rising concern over pesticides, some of which is driven by a marketplace that increasingly demands chemical-free plants. The OAN has kept its focus on allowing nurseries to safely use approved chemicals at the grower’s discretion, in conjunction with integrated pest management programs.

But one of the association’s most significant victories didn’t involve pesticides.

It involved reversing a shipping prenotification requirement that the USDA Animal and Plant Health Inspection Service imposed in 2012 for nurseries located in Oregon, Washington and most of California. Nurseries had to notify the receiving states anytime they shipped any of five genera deemed high risk for *Phytophthora ramorum*.

Growers found the requirement impractical. Worse, they felt it gave East Coast growers an unfair market advantage. East coast trade groups and the national association did little to fight it, because it didn’t hurt them as badly.

“We’re in a competitive interstate climate and we are about as far from Washington, D.C. as you can get,” Shropshire said. “Based on the size of our industry nationwide, our relative share of the nationwide market, our voice is not equally as loud.”

The OAN and several partners already had been in the process of developing a systems approach for nursery production, which identifies and isolates disease threats early in the production process rather than at shipping time. Funding for the research came from state nursery license fees. The OAN successfully lobbied the USDA to end its prenotification requirement and adopt the systems approach, arguing it would keep plants safer, and without all the red tape.

“It has allowed us to keep markets open and allowed our members to sell to whoever they wish,” Shropshire said. ©

TIPS ON TESTIFYING

“I think the best approach is always just telling what your experience is. I don’t say all nurseries are like me or all have the same experience, but this is what my experience is ... [I avoid] gross generalizations. No one can argue with you about how something is impacting you personally. I have never had any elected official not be genuinely responsive to that.”

— Leigh Geschwill

can’t support this,’ not because we don’t love our environment, but it’s going to harm our growers and our ability to compete on the national stage,” Fessler said. “That sort of pushed events forward and, we believe, contributed to the downfall of the bill.”

Water supply issues

Among the natural resource issues most important to nurseries is water, as plants can’t be grown without it.



“It’s a precious resource that we try to keep, we try to recycle as much as we can, we try to keep it clean, because if it disappears, we’re out of business,” Fessler said.

According to Shropshire, water supply is a long-term issue. Even a relatively water-rich area like Western Oregon has finite supplies and multiple users interested in tapping in.

“It’s so easy to say, ‘I’m turning on the well and water’s coming out, so I’m not worried about that,’” Bigej said. “Ten years later, it’s going to be a different story and if we don’t start working on it now, it’s going to be too late.”

Shropshire is the OAN’s foremost expert on long-term water supply issues. To

