

WHEN COVID-19 COMES KNOCKING

STARTING LINE | BY BEN POTTER

THROUGH THE middle of October, COVID-19 had infected more than 8 million Americans, resulting in more than 220,000 lives lost. More densely populated urban areas have been hit the hardest, but rural America has not been immune. Which begs the question: What precautions should farmers take to protect their employees?

Start by looking at federal, state and local guidelines, says Scott Cruz, a Chicago labor and employment attorney at the law firm Greensfelder, Hemker & Gale PC.

For example, in Cruz's home state of Illinois, employers are strongly encouraged to enforce social distancing, require and provide face coverings if employees are unable to maintain proper social distancing, implement a wellness screening program (which includes making temperature checks available), and conduct in-person screenings to ensure employees don't have symptoms.

Don't rely on self-reporting only, Cruz says. That's because employees, specifically, hourly nonexempt employees, may be afraid or hesitant that they'll be sent home without pay for up to 14 days, unless they qualify for paid sick leave under



the Families First Coronavirus Response Act. That's a risk many are afraid to take.

"You either should be taking employees' temperatures, and/or screening employees to determine whether they're experiencing COVID symptoms, or been in close contact with someone who has prior to the start of their shift, at a minimum," he says.

What about having employees sign a COVID-19 liability release? Cruz argues those agreements "aren't worth the paper they're printed on." The law says employees always have a right to file a claim for workers compensation and can't waive that vested right under state workers compensation laws.

"A release also assumes the workplace is unsafe," he adds. "That's inconsistent with an employer's duty under OSHA to ensure a safe workplace. The more practical approach is making sure we're dotting our i's and crossing

our t's." Do everything the Centers for Disease Control and Prevention, and the Occupational Safety and Health Administration recommends, and follow all state and local guidelines, he advises.

The guidelines almost always include social distancing and wearing masks to minimize potential exposure. But what if an employee doesn't want to "mask up"?

There are a few options. The least disruptive solution, if possible, is to temporarily place that employee in an area or position where he or she can maintain proper social distance from other workers. If that's not

Paid leave is also possible under certain circumstances from the Emergency Paid Sick Leave Act under the Families First Coronavirus Response Act. Eligible employees can receive up to 80 hours of paid leave at their regular rate if they:

- test positive for and are told to quarantine by their doctor
- have symptoms and are told to quarantine
- have underlying health conditions that makes the employee more susceptible to COVID-19

"In each situation, the employee gets paid leave because the employee's health care provider has told him or her to self-

The guidelines almost always include social distancing and wearing masks.

possible, and the reason for the employee's refusal to wear a mask is an underlying medical condition, the employee may still be eligible for up to three months of unpaid absence from the Family Medical Leave Act if the condition constitutes a serious health condition under FMLA and the employee's inability to wear a mask renders him or her unable to do the job. Only operations that have 50 or more employees are subject to the FMLA.

quarantine," Cruz says.

Other prudent advice includes regularly cleaning common areas and shared equipment. Employees testing positive should isolate for at least 10 days, per CDC guidelines. Anyone who came into close contact should isolate for at least seven days, returning to work only if he or she has proof of a negative COVID-19 test. **FF**

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SWITCH IT UP?

Midwest farmers tend to grow two crops very well — corn and soybeans. But savvy operators always have an eye out for expanding their portfolio.

Some farmers have explored switchgrass as a way to control erosion on fallow fields or areas with lower-quality soils. While switchgrass has proven itself environmentally, Genera is hoping it can be used to reap some economic benefits as well. That's because the company is manufacturing pulp to supply renewable fiber for use in commercial products such as paper, packaging, and even disposable tableware or takeout containers.

"We contract with farmers to grow biomass crops for fiber production," says Sam Jackson, vice president of business development. "They can use a fallow field or unproductive pasture to grow fiber crops like switchgrass that can tolerate lower-productivity soils."

It is an "additive, not disruptive" crop, Jackson says. That's because switchgrass can be harvested in winter months and fertilized in the spring. And the root mass can descend as much as 9 feet deep, giving it a fair amount of drought tolerance.

"It's not a gold mine, but it can be a steady income producer," he says.

For now, the footprint is small — a Tennessee-based plant began operations this fall. Jackson hopes two or three more facilities will come on line in the near future in other locations.



ON THE MAP EGYPT

Last year, Egypt spent more on wheat imports than any other country but Turkey, accounting for 5.1% of the world's sales by total value in 2019. And there are some indicators so far this year that Egypt will continue to collect massive wheat sales to shore up its domestic needs.

Egyptian farmers are expected to produce 327 million bushels of wheat during the 2020-21 season, per USDA's Foreign Agricultural Service. That would represent a 1.5% increase from a year ago, if realized. However, FAS also anticipates Egypt's wheat imports will rise around 1.5% year over year, to 474 million bushels.

Unfortunately, U.S. farmers have been unable to make significant inroads into this market to date. The country's largest three suppliers so far in 2020-21 all hail from the Black Sea region — Russia, Ukraine and Romania. Egypt's General Authority for Supply Commodities typically prefers to keep a four- to six-month supply of reserves on hand.

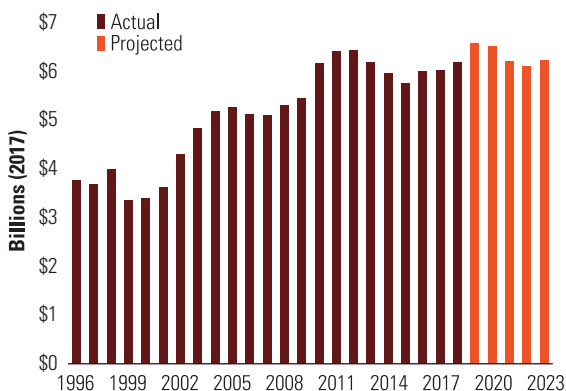
Egypt is also a net importer of corn. In 2020-21, farmers are expected to produce around 252 million bushels of corn. However, domestic consumption could run as high as 669 million bushels this marketing year, leaving import needs at about 417 million bushels — an increase of nearly 5% from last year.

FUNDING FOR ENVIRONMENT

Since 2011, USDA has spent \$6 billion to \$6.5 billion annually on its conservation programs, according to the agency's Economic Research Service.

Roughly half of the funds have been distributed to the Environmental Quality Incentives Program and the Conservation Stewardship Program, which both compensate farmers who engage in various environmental stewardship practices, such as nutrient management, cover crops, field-edge filter strips and more. Another significant piece of the pie goes to the Conservation Reserve Program, which provides funding to take land out of agricultural production for between 10 and 15 years. Some minor regional programs fill the remainder.

INFLATION-ADJUSTED ANNUAL SPENDING FOR MAJOR USDA CONSERVATION PROGRAMS



DATA INCLUDES THESE PROGRAMS AND PREDECESSORS: CONSERVATION RESERVE PROGRAM, AGRICULTURAL CONSERVATION EASEMENT PROGRAM, ENVIRONMENTAL QUALITY INCENTIVES PROGRAM, CONSERVATION STEWARDSHIP PROGRAM, REGIONAL CONSERVATION PARTNERSHIP PROGRAM AND CONSERVATION TECHNICAL ASSISTANCE. CTA IS FUNDED ANNUALLY THROUGH APPROPRIATIONS, HERE IT IS ASSUMED CONSTANT AT \$769 MILLION (NOMINAL). SPENDING IS ADJUSTED TO CONSTANT (2017) DOLLARS, WITH ASSUMED ANNUAL INFLATION OF 2% FOR 2019-23.

SOURCE: USDA, ECONOMIC RESEARCH SERVICE ANALYSIS OF OFFICE OF BUDGET AND POLICY ANALYSIS DATA ON ACTUAL FUNDING FOR 1996-2018, OBPA ESTIMATES FOR 2019 AND CONGRESSIONAL BUDGET OFFICE PROJECTIONS FOR 2020-23.

Conservation funds are expected to remain in that \$6 billion to \$6.5 billion window through 2023, but those levels aren't necessarily written in stone, according to USDA economist Steven Wallander in a summary statement

explaining recent funding trends.

"Although most conservation programs receive mandatory funding, [current] levels are not guaranteed and could be revised in future years," he notes.