

Note: the links within this e-Newsletter contain outdated information and have been removed.



OCTOBER 2020

MICHIGAN NURSERY & LANDSCAPE ASSOCIATION E-NEWSLETTER

On behalf of the MNLA Board of Directors and Team we hope that you, your families, and your team are staying healthy.

The big news is that on Friday, October 2nd the Michigan Supreme Court ruled that the 1945 law Governor Whitmer has used to repeatedly extend a state of emergency, without legislative approval, is unconstitutional. This has left all of us reviewing the decision and trying to find answers to the question of what we now need to comply with and the Legislature working to determine which, if any, of the Executive Orders or their parts will be adopted.

It is important to note that this Supreme Court ruling is only applicable to the Governor's Executive Orders and does NOT change that we must still comply with Department Epidemic Orders. Yesterday, the State Health Department issued an emergency order on gathering sizes, masks, and venue limits that we must comply with (Click [HERE](#) to see this Order). It is important to note that for our growers this doesn't change the need to comply with the August 3rd Department Order that requires mandatory testing for agricultural workers (Click [HERE](#) to see this Order).

To add to the confusion, under Michigan's Public Health Code (Act 368 of 1978), local health departments have the authority to issue emergency orders to control an epidemic and we're already seeing county health departments around the state

issuing their unique orders.

Our advice to our members is to not make any drastic changes as there will certainly be something to replace the Executive Orders—either comprehensive legislation from the State Legislature or the adverse issuance of orders by county health departments—that you may need to reinstate or change again. MNLA is advocating that new rules be consistent and easier for business to interpret and comply with.

In addition to this news, we also bring you these updates to keep you and your employees informed on pertinent items and issues.

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MNLA PRESIDENT'S MESSAGE

Zac Armintrout, Armintrout's Nursery

On Wednesday, September 30th, I had the pleasure of participating in the MNLA's Monthly Business Barometer. This is a new program only available to MNLA Members and is widely informative and valuable. This first session featured John Glover of Core Integration who explained business systems. We discussed the basics of how to turn your organization into a system-run business, freeing up owners from micromanaging their employees. We also learned about implementing proper hiring processes and how to make sure you have the correct

employees in the correct jobs while building a positive culture in your company. Any business, small or large, will benefit from these events.

As a bonus, once we get more members to participate in these monthly events, we will have breakout sessions with our separate business segments that will be facilitated by a moderator from each segment. In these sessions we will discuss current issues that affect all of us and we will have the opportunity to ask questions directly to our peers and share ideas for better practices. The MNLA's Monthly Business Barometer truly brings a community feel to our association and is a great benefit.



The next event will be at the end of October and I strongly encourage you to participate and share.

Attention GROWERS! Nursery and Greenhouse Industry Eligible for Coronavirus Food Assistance Program 2.0 Payments through USDA

*By Dennis Rudat, Michigan Farm News
September 29, 2020*

In what might be considered one of the best-kept secrets, Michigan's floriculture and nursery crop producers affected by the coronavirus pandemic are eligible for direct payments through the Coronavirus Food Assistance Program 2, or CFAP 2, recently announced by USDA.

Although those segments of agriculture were not part of CFAP 1, Michigan Farm Bureau Horticulture Specialist Audrey Sebolt says USDA made allowances in CFAP 2, based on industry feedback, to provide nursery and greenhouse operators financial assistance to absorb increased marketing costs associated with the COVID-19 pandemic.

"Payment calculations will use a sales-based approach, where producers of eligible commodities are paid based on five payment gradations associated with their 2019 sales," Sebolt added. "Eligible sales only include sales of raw commodities grown by the producer."

According to Sebolt, sales derived from adding value to the commodity, such as processing and packaging, or from sales of products purchased for resale are not eligible for CFAP 2 payment calculations. [Read More](#)

Hemlock Woolly Adelgid Interior and Exterior Quarantine Revisions/Mountain Pine Beetle Exterior Quarantine (NEW)

[Click Here for the Hemlock Woolly Adelgid Interior State Quarantine](#)

[Click Here for the Hemlock Woolly Adelgid Exterior State Quarantine](#)



Photo courtesy of Steven Katovich,
Bugwood.org

[Click Here for the Mountain Pine Beetle Exterior State Quarantine](#)

Photo courtesy of William M. Ciesla, Forest
Health Management International,
Bugwood.org



Boxwood Blight Continues to Threaten Michigan's Nursery and Landscape Industry—How You Can Help to Prevent the Spread!



The MNLA Board of Directors continues to monitor and is concerned with the spread of Boxwood Blight across North America and into Michigan. It is imperative that everyone in our industry is aware of this disease and knows how to prevent the spread.

Please click [HERE](#) to access the Horticultural Research Institute's manual on Boxwood Health, Best Management Practices for Production and Landscape Management.

Photo courtesy of Margery Daughtrey, Cornell University

BEWARE! \$22,000 in Fines Levied on Michigan Retail Garden Center

An MNLA Member was fined \$22,000 this year for allegedly selling less than the advertised amount of mulch. This fine was levied by the Weights and Measures Division of the MI Dept of Ag & Rural Development after they received an anonymous complaint.

The complaint was from someone that purchased .5 cu. yd. of bulk mulch and claimed that they received less. An investigation ensued and based on the manufacturer's designation of the bucket size the investigator determined that the garden center was in violation. [Read More](#)

MIOSHA Enforcement on COVID-19 Workplace Guidelines and Member Preparedness Plans

Prior to Friday's ruling by the Michigan Supreme Court, the Michigan Occupational Safety and Health Administration (MIOSHA) was issuing COVID-19 "general-duty" citations to firms in violation of the safety and health workplace guidelines. They issued citations and fines to 19 different businesses, including one firm in the Green Industry.

Here is what they were found to not be doing correctly and were cited and fined for:

- Keeping everyone on the worksite premises at least six feet from one another to the maximum extent possible, including through the use of ground markings, signs, and physical barriers, as appropriate to the worksite.
- Requiring face coverings to be worn when employees cannot consistently maintain six feet of separation from other individuals in the workplace.
- Conducting a daily entry screening protocol for employees entering the facility, including a questionnaire covering symptoms and temperature screening with a no-touch thermometer.
- Providing COVID-19 training to employees that covers, at a minimum: workplace infection-control practices; and the proper use of personal protective equipment.
- Developing a COVID-19 preparedness and response plan, consistent with the recommendations in Guidance on Preparing Workplaces for COVID-19, developed by the Occupational Safety and Health Administration. Making the plan readily available to employees, whether via website, internal network, or by hard copy.

We've developed Green Industry Preparedness Plans for our Contractors, Garden Retail, Growers, and our Lawncare segments that can be found by clicking [HERE](#). We encourage the continued use and compliance of these plans as we want to keep our employees safe and in compliance with the next orders that will certainly be issued.

