

AG ISSUES UPDATE

Edited by Brad Hollabaugh
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Produce Industry Meets with FDA to Raise FSMA Implementation Issues

On April 19, a letter was sent to the FDA regarding growing industry concerns with the implementation of the Food Safety Modernization Act (FSMA) final rules. The letter was signed by 22 organizations from the produce industry. At a May 9 meeting organized by United Fresh, USApple met with FDA Deputy Commissioner for Foods and Veterinary Medicine Michael Taylor to discuss issues raised in the letter.

Key Issues included were as follows:

- The creation of compliance problems for the industry and for the FDA in regulating identical facilities that pack or handle raw agricultural commodities sometimes under the Produce Safety Rule (PS) and sometimes under the Preventive Controls (PC) Rule.
- Train the trainer rejections for people who were properly trained but did not have a college degree, greatly reducing the number of qualified trainers and severely hamper industry efforts to comply.
- The Food Safety Preventive Controls Alliance (FSPCA) curriculum is not in sync with, and may not accurately reflect, the still awaited guidance, and that the curriculum needs to be adjusted to account for the functions of fresh whole produce packinghouses.
- Many growers are subject to more than one food safety audit due to customer demands, and - like the growers - the audit providers are also unsure of how the new rule will affect their audit requirements in the absence of the Produce Rule guidance document.

The meeting allowed for a good exchange of issues and ideas among the industry representatives and the FDA officials, as well as a discussion of potential solutions. While the agency officials gave no firm commitments on any of the areas discussed, they appeared to be more aware of the problems being faced by the industry and they expressed willingness to examine ways to address the concerns. (Source: *US Apple Member Alert*, May 11, 2016)

Agency Delays Causing Labor Issues Across the Country

Farmers in Pennsylvania have reported delays in receiving workers through the H-2A program. However, delays in processing visas at the federal level are causing labor issues for farmers across the country. That fact will jeopardize the harvest of crops this year.

Paperwork delays have created a backlog of 30 days or more in processing H-2A applications at both the Department of Labor and United States Citizenship and Immigration Services. The Department of Labor is failing to comply with rules that require it to respond to applications 30 days prior to the day farmers' need workers. That is also coupled with problems at the United States Citizenship and Immigration Services.

Farm Bureau is calling on Congress to pass immigration reform that gives farmers access to a legal and stable workforce. American Farm Bureau Federation President, Zippy Duvall, said there is a need to modernize the H-2A system, including the need to accept electronic documentation, instead of sending out documents by regular mail.

Farm Bureau Warns of EPA Overreach

Farm Bureau is asking Congress to hold the Environmental Protection Agency accountable for repeatedly violating open government laws in its "waters of the United States" campaign. Oklahoma Farm Bureau President Tom Buchanan testified before the Senate Subcommittee on Superfund, Waste Management and Regulatory Oversight on the flawed rulemaking process followed by the EPA.

Farm Bureau is troubled by a ruling from the Government Accountability Office that found the EPA used covert propaganda to promote WOTUS. "The EPA did use covert propaganda to mislead the public and violate the anti-lobbying act and was more focused on promoting a flawed WOTUS rule than keeping an open mind, or hearing good faith concerns with their proposal," he said. "Farmers and ranchers deserve better when important matters of public policy are discussed and are at stake." Farm Bureau hopes Congress will take a close look at the actions of the EPA throughout the whole rulemaking process.

Budget Drama Finally Over

Gov. Tom Wolf has allowed a fiscal code bill to become law, ending the state's historic budget battle. Earlier this spring, when Gov. Wolf allowed a state budget to become law, he also vetoed the state's fiscal code. That move threw into jeopardy the ability of money to be transferred from the Race Horse Development Fund to pay for programs like the state's Veterinary Lab System, Animal Health and Diagnostic Commission, along with Pennsylvania's local fairs.

Members of the General Assembly approved a bill, with strong bipartisan support, that allowed those fund transfers to occur. Gov. Wolf took no action on the bill, thereby allowing it to become law. Under state law, governors have 10 days to approve or veto a bill, or it automatically becomes law.

The General Assembly is still addressing next year's budget. Pennsylvania continues to face some of the same challenges that confronted lawmakers last year, including increasing pension debts and the need to reform property taxes. Pennsylvania Farm Bureau is continuing to work with lawmakers to advocate for budgetary issues critical to farm families.

Local Income Tax Bill Clears Committee Hurdle

A bill that would make the filing of local income taxes more consistent with state and federal laws received support from the House Finance Committee. Senate Bill 356, introduced by Sen. Mike Folmer, would establish similar rules for payment and reporting of local income tax, including estimated tax reporting and payment, as established for state and federal income tax. Both the state and federal governments allow farmers to make one report and payment of estimated taxes, which is deferred until after the completion of the tax year. Farmers don't have the same option at the local level. Local tax laws also do not provide a "safe harbor" provision for the payment of estimated taxes.

SB 356 would address both issues, along with making reporting and payment deadlines the same as state and federal. The bill would also limit the authority of a taxing district to require its taxpayers to use special tax forms and filing methods. The bill, which has already received Senate approval, now heads to the full House for consideration.

Penn State Hires Expert to Help Farmers with Food Safety

Penn State Extension hired an educator who will work with farmers across the state on complying with new federal food safety regulations. Jeff Stoltzfus will work out of Lancaster County, but will

have a statewide focus in developing food safety education information for fruit and vegetable growers.

The programs will help farmers meet standards set by the federal Food and Drug Administration under the Food Safety Modernization Act. Prior to joining Penn State, Stoltzfus spent 29 years in adult agricultural education, including with the Eastern Lancaster County School District.

"Jeff Stoltzfus is uniquely qualified to help Extension address this high-priority area," said Dennis Calvin, director of Penn State Extension. "Over three decades, his teaching has focused on agronomy and horticulture production and more recently on farm food safety in response to increased buyer and now regulatory farm food-safety challenges."

New Invasive Pest Found in Pennsylvania

A new invasive species was discovered in Lancaster County, and has spread to four other counties, according to the Pennsylvania Department of Agriculture. The allium leafminer, a pest that feasts on crops like onions, garlic and leeks, are usually transported with commercial cargo or in passenger bags. Previous research suggests the pest can cause more damage in organic systems and home gardens.

"For our farmers an infection of this pest could mean a loss in production of allium crops. And for our consumers, this could result in a lack of availability of these crops for consumption," said Agriculture Secretary Russell Redding.

Adult bugs are around three millimeters in length and appear as gray or black flies with yellow or orange patches on the tops and fronts. Adults make their appearance in early spring. Females lay eggs on the base of stems, and the larva move downward to feed on bulbs.

Damage from that feeding can weaken plants making it prone to bacterial and fungal infections. The leaves of infected plants appear wavy with a row of white dots. Farmers are encouraged to contact the Department of Agriculture at **866.253.7189**, or their county Extension office, to report a sighting.

Cold Weather Impacts Orchards

Fruit growers across the state are cautiously optimistic for a healthy harvest of apples and peaches after a few nights of cold weather plunged the temperature to dangerous levels. After a warm and early spring pushed blossoms on a number of fruit trees, a mass of cold weather settled over Pennsylvania that threatened to kill developing buds.

The scenario was similar to 2012 when a cold snap killed a number of buds on fruit trees throughout the East Coast and upper Midwest. "This is similar to 2012 where we had April weather in March and March weather in April," said Robert Crassweller, a tree fruit specialist at Penn State Cooperative Extension. "I'd say there were places that were three weeks ahead of normal."

Thankfully for fruit growers, it appears that Pennsylvania's two primary fruit crops—apples and peaches—mostly survived. The same can't be said for apricots and plums, which blossom earlier than other fruits.

"We lost our apricots and about half of our plum varieties. The peaches seem OK," said Jason Coopey, a co-owner of Way Fruit Farm in Centre County. "Our apple crop is still good. It will be lighter than last year, but should still be a solid crop."

Further south near the Mason-Dixon Line, Mike Kurek, owner of Susquehanna Orchards, said most of his crops survived the cold snap. Kurek applied fertilizer protections to give the trees a few extra degrees of protection from freezing. Still, some peach trees are showing signs of losses, along with plums, Kurek said. "We are expecting a full crop on most of our varieties," he said.

Chris Baugher, a co-owner of Adams County Nursery, said most of his apples and peaches escaped widespread damage, but sweet cherries are likely lost to the cold weather. "We dodged a few bullets there," he said. "There were a few cold nights."

Staff at Penn State's Fruit Research and Extension Center in Adams County conducted testing following several nights of cold weather found most apples and peaches survived. Growers are going to have to pay close attention during thinning, said Jim Schupp, who directs the center. There's likely still enough blossoms on the trees that growers will have adjust the crop through thinning.

"One of the main challenges will be that when you go through events like this, the trees are stressed, but so are the growers," Schupp said. "We are going to have adjust this crop to get to the right size. We are not just after yield, we are after marketable yield."

Finding the Next Generation of Agriculture Workers

Agriculture is poised to be a growing career destination for thousands of young adults coming out of school. However, there's a growing concern that there will not be enough workers to fill the expected 75,000 openings in agriculture in the coming years. That's why the Pennsylvania Department of Agriculture is researching current industry needs, and what schools can do to help fill the gap.

Much of that growth in agriculture will come in food manufacturing, which is a significant component of manufacturing in Pennsylvania, said Scott Sheely, Special Assistant for Workforce Development at the Pennsylvania Department of Agriculture. But there's a growing need for workers to have the expertise to help meet the technological changes happening in agriculture, he said.

"We need workers in areas where technology has grabbed hold and is reinventing everything," he said. "This would be dairy herdsmen, service technicians and similar jobs. These are jobs that will require training beyond high school."

Earlier this year, Sheely began working with the Department of Agriculture to examine how to attract quality candidates, and what changes need to occur at the education level so students can tackle careers in agriculture. In looking down the road, Sheely sees three tiers of jobs where a growing number of students and workers will need to fill:

- The first tier, and the fewest in terms of potential job openings, are the agriculture science jobs such as engineers, agronomists and laboratory supervisors. There are already post high-school career paths in place for students to pursue.
- The second tier is the farmers, landscape workers and equipment operators who work in food production plants.
- The third tier, and the one with the largest looming shortfall, is one that requires some type of training past high school. These are the workers that will help meet the changing technology of agriculture.

While PDA and others are pushing agriculture careers to perspective students—and returning military—there is still a gap between current education training, and the needs of employers, Sheely said. What Sheely and others found is there is not any central organization for helping perspective students fit into a pipeline to fill those technological jobs—like maintenance technicians for agriculture equipment. Those types of jobs require mechanical aptitude, but also further training because of the advanced technology in farm equipment.

Sheely said he would like to see partnerships formed between technology schools and employers to begin apprenticeship programs for those types of jobs. Much of the education focus has been on creating clear paths for those post-secondary jobs, ones like agronomy, that require a four-year degree, Sheely said. But the greatest need in the coming decade will be those that require a bit more training than high school or technical programs currently offer, he said. “We will need to reach out to some non-traditional sources to help us solve this issue,” he said. “I don’t know what we will find, we are trying and we are asking those questions.”

Value Added Grants Available from USDA

The U.S. Department of Agriculture is making grant money available for farmers who are looking to start value-added activities. The department is making \$44 million available in competitive funding. Farmers can receive up to \$75,000 in planning grants or \$250,000 for capital grants. Grant money cannot exceed 50 percent of project costs.

Examples of planning activities include developing business plans or marketing studies. Actual capital expenses include processing costs and marketing and advertising expenses. Applications are due June 24. Contact your local Rural Development Office for information on how to apply for the grants.

Pennsylvania Expands Hunger Initiatives

Pennsylvania is putting funding behind a program designed to put local produce into the hands of food banks and hunger relief organizations. The Central Pennsylvania Food Bank will implement the Pennsylvania Agriculture Surplus System (PASS). The system was developed six years ago, but only recently received funding through the 2015-2016 budget.

“There is healthy and nutritious food available in the fields that never makes it into the food supply, and we want to see it put onto the plates of people who need it. I’ve often said that you cannot have a charitable food system without a food system that is charitable,” said Agriculture Secretary Russel Redding. “This program makes it easier for more of the state’s producers to contribute to the cause.”

PASS was established in 2010, following a successful pilot program in southcentral Pennsylvania, where the Central Pennsylvania Food Bank collected more than 128,000 pounds of surplus apples. Those apples were packaged and distributed in the food bank’s 27-county service area. Using \$1 million in state funding, the food bank will collect surplus farm products grown in Pennsylvania. The produce will help those in need and also create an alternative market for farmers who have no market for edible, but lower-graded, products. Farmers interested in participating in PASS can contact PDA’s Bureau of Food Distribution at 800.468.2433.

Penn State Research Creates Gene-Edited Mushroom

A Penn State researcher, who created a gene-edited mushroom, has received federal approval to move forward with potential commercial development of the mushroom.

The anti-browning mushroom, created by professor Yinong Yang, was developed using a gene-editing technique called CRISPR-Cas 9. The U.S. Department of Agriculture recently ruled the mushroom would not need agency approval, which opens the door for commercial development.

Unlike most genetically modified organisms, this mushroom does not contain DNA from other organisms, Yang said. Instead, the mushroom was developed by making a small deletion in a specific gene, he said. The technique Yang used is a relatively new way to modify an organisms' genes by delivering a DNA-cutting enzyme to a specific portion of the DNA. That creates a modification that can delete or replace certain DNA portions—and thereby altering traits. This technique was used to stop the production of enzymes that causes mushrooms to turn brown. This will result in a mushroom with a longer shelf life.

"This technology holds promise for precision breeding of crops with many desirable traits, such as low levels of food allergens or toxins, disease resistance, drought tolerance, and efficient nitrogen and phosphorous utilization," Yang said. "These agronomic traits not only help reduce pesticide, fertilizer and water usage, but also improve food quality and safety."

The ruling by the USDA could open the door for other GMO crops developed through the same gene-editing technique, Penn State reported. Yang said he hopes this technology changes the conversation around GMO technology.

2016 Spray Record-Keeping Spreadsheet Now On-Line

We have reviewed and updated the Orchard Spray Spreadsheet, adding over 30 products this year alone. A new column with the PHI Release Date should improve safety and clarity for re-entry times. We appreciate the continued support of growers and are always open to suggestions for improvements.

Please download this new spreadsheet from the Penn State Extension Tree Fruit Production website. This sheet should be used with a season-long Integrated Pest Management (IPM) Plan. Talk to your Penn State Extension educator if you need help building one. One way to review the principles of IPM is to view a new Penn State Extension Video on IPM in Orchards. The video is also available in Spanish. *Source: Penn State*