

## **AG ISSUES UPDATE**

Edited by Brad Hollabaugh  
October, 2016

### **Proposed Changes to I-9 Process Could Harm Agricultural Employers**

In mid-October, USApple submitted comments to the Department of Justice (DOJ) regarding proposed changes to the handling of claims involving allegations of unfair immigration-related employment practices. The proposed changes would impact all employers but particularly those with a significant non-English speaking workforce. As drafted, the proposed changes would significantly lower the bar for what the DOJ would need to prove an I-9 discrimination violation by an employer.

USApple's comments explain that "If a lawful permanent resident presents a 'green card' to complete the I-9 process but a U.S. citizen provides a driver's license and Social Security card, without any prompting by the employer and where both are hired and begin work immediately, there is no intent to discriminate, no act of discrimination by the employer, and no harm to either employee. Still, such a situation could trigger sizable penalties under this new rule."

USApple is also active in a coalition led by the National Council of Agricultural Employers and the American Farm Bureau Federation to oppose this unwarranted change to long-standing policy. USApple will continue to follow this process and work on our own and with coalition partners to oppose this unwarranted change to long-standing policy. *(Source: Apple Bites – 10.18.16, Staff Contact: Diane Kurrle)*

### **USApple Participates in White House Meeting**

On October 6, USApple Sr. VP Diane Kurrle participated in an off the record meeting at the White House regarding the Trans Pacific Partnership (TPP). Hosted by United States Trade Representative Michael Frohman and Chief Agricultural Negotiator Darci Vetter, the meeting brought agricultural leaders together to share intelligence and develop strategies for passing the TPP during the lame duck session of Congress.

The White House has made this a top priority and President Obama is talking personally with key House and Senate leaders to get the agreement across the finish line. Kurrle and other members of the TPP coalition are meeting with those Congressional offices to make the case for the agreement. *(Source: Apple Bites – 10.18.16, Staff Contact: Diane Kurrle)*

### **USDA Announces \$48 Million Available for Specialty Crop Research**

The U.S. Department of Agriculture's (USDA) National Institute of Food and Agriculture (NIFA) has announced the availability of up to \$48.1 million in research grants for the 2017 grant cycle for the Specialty Crop Research Initiative (SCRI).

USApple was a leader of the specialty crop industry's successful effort to establish the SCRI grant program in the 2008 Farm Bill and the successful efforts in the 2014 Farm Bill that made it a permanent part of the agriculture budget process. Since the inception of the program, USApple has worked with the research community to encourage and support research that addresses critical needs.

USApple has worked with the research community to encourage and support research that addresses those needs, such as the SCRI project on the Brown Marmorated Stink Bug (BMSB),

enhancing the USDAS/Cornell apple rootstock development program, and many other research efforts geared to address the needs of the apple industry.

Projects must address at least one of five focus areas:

- Research in plant breeding, genetics, genomics, and other methods to improve crop characteristics
- Efforts to identify and address threats from pests and diseases, including threats to specialty crop pollinators
- Efforts to improve production efficiency, handling and processing, productivity, and profitability over the long term (including specialty crop policy and marketing)
- New innovations and technology, including improved mechanization and technologies that delay or inhibit ripening
- Methods to prevent, detect, monitor, control, and respond to potential food safety hazards in the production, efficiency, handling and processing of specialty crops.

The timeline for submission of pre-applications is fairly short - details on the deadline dates and links to the USDA website for additional information on applications is as follows:

Pre-application Closing Date: Tuesday, November 15, 2016

Funding Opportunity Number: USDA-NIFA-SCRI-006064

Estimated Total Program Funding: \$48,128,978

*(Source: Apple Bites – 10.4.16, Staff Contact: Mark Seetin)*

### **Funding to Support Specialty Crops**

The U. S. Department of Agriculture's (USDA) Agricultural Marketing Service (AMS) recently announced over \$62.5 million in grants to support farmers growing fruits, vegetables, tree nuts, and nursery crops, also known as specialty crops. The projects include research, agricultural extension activities, and programs to increase demand and address the needs of America's specialty crop industry. AMS Administrator Elanor Starmer made the announcement while attending USDA's Fall Forum with local stakeholders held in Concord, NH to discuss key issues facing the future of agriculture.

The grants are part of USDA's continued effort to enhance the competitiveness of specialty crops and provide resources to strengthen American agriculture. The Specialty Crop Block Grant Program (SCBGP), administered by AMS, awarded grant funds for 693 projects in all 50 States, the District of Columbia, and five U.S. Territories. Under the Obama Administration, AMS has awarded SCBGP grants totaling \$455.5 million for 6,138 projects, including those announced today.

Pennsylvania grants included the following awards:

- A state project to enhance the competitiveness of specialty crops growers by providing cost sharing support for successfully completing USDA Good Agricultural Practices (GAP) or USDA Good Handling Practices (GHP) annual audits.
- Increase food safety practices by specialty crop farmers throughout Pennsylvania by providing free outreach events on USDA GAP audits and information on FDA's FSMA Produce Rule as it relates to USDA GAP.
- Penn State University will conduct research to further identify methods for reducing listeria risks, by exploring the use and effects of select antimicrobials on listeria populations on whole apples.

- Penn State Extension will enhance the ability of the Pennsylvania specialty crop industry to increase the number of growers and support more economical and sustainable methods by the next generation of fruit and vegetable producers through development of bilingual educational programming.
- National Peach Council will increase consumer awareness of locally/regionally produced peaches and their nutrient and dietary value by developing a social media platform and marketing “toolbox” for peach marketers.
- Pennsylvania Winery Association will increase the volume of and engagement with timely and inspiring content regarding Pennsylvania grape growers, vineyards, and wineries by developing a “PA Wines Publishing” section on a re-designed PennsylvaniaWine.com.
- A state project to develop a standardized pesticide toxicity test protocol for alternative pollinators by developing an artificial diet for the Japanese Orchard Bee (JOB) that can be impregnated with orchard pesticides and tested on developing larvae to determine both acute toxicity and long-term chronic sublethal effects such as delayed mortality or development, as well as reproductive and behavioral effects.

See all grant awards at

<https://www.ams.usda.gov/sites/default/files/media/SCBGP2016DescriptionofFundedProjects.pdf>.

### **Pennsylvania Department of Agriculture receives Funding to help Producers Implement the FSMA Rule**

The Pennsylvania Department of Agriculture (PDA) received \$6.3 million in FDA funding to assist produce growers to comply with the federal Food Safety Modernization Act (FSMA) which deals with the safe growing, harvesting, packing and storing fruits and vegetables. The PDA will use the funding over a five year period to review produce operations and work with agricultural producers on any corrections or improvements that are needed to pass a FSMA inspection. Staff members from PDA will then return later to perform the actual official inspection of the agricultural facility.

### **Apples are in Top Five Organic Commodities in Value of Sales**

In mid-September, the USDA released the latest data on the annual Certified Organic Production for the 2015 crop. The value of sales from livestock and poultry products led the way (\$1.9 billion) followed by vegetables (\$1.4 billion); fruits, tree nuts, and berries (\$1.2 billion); livestock and poultry (\$743 million), and field crops (\$660 million). The top five commodities in certified organic sales were:

- Milk, \$1.2 billion, up 8.4 percent from \$1.1 billion in 2014.
- Eggs, \$732 million, up 74.5 percent from \$420 million in 2014.
- Broiler chickens, \$420 million, up 13.1 percent from \$371 million in 2014.
- Apples, \$302 million, up 20 percent from \$251 million in 2014.
- Lettuce, \$262 million, down less than 1 percent from \$264 million in 2014.

Organic apple production is heavily concentrated in the West - Washington, Oregon and California - largely due to the climate that allows for organic production. Calculations using the summary data indicated that for the 2015 crop the 15,763 acres of certified organic apple production represents 5 percent of the U.S. total of 316,000 bearing acres. However, reflecting the higher prices received for organic production, the farm gate value of organic apples at \$302 million comprised 9 percent of the total farm gate value of apples for the 2015 crop of \$3.4 billion. *(Source: Apple Bites – 10.4.16, Staff Contact: Mark Seetin)*

## **Impact of Regulations**

The runaway regulatory state is costing hardworking Americans billions of dollars to cover the costs of major regulations. According to the American Action Forum, the U.S. government created 79,230 pages of new regulations in the federal register, with a total cost of \$98.9 billion in regulatory costs in 2015 alone. Federal regulatory burdens have reached at least an estimated \$1.86 trillion, which adds up to approximately \$15,000 annually per U.S. household.

## **Farmers In Bay Watershed Could See Regulatory Visits**

Pennsylvania's state and local agencies started a more concentrated program of farm inspections in the Chesapeake Bay Watershed. Visits by the Department of Environmental Protection and local conservation district staff will focus on verifying whether farms have developed and are following their plans for erosion and sedimentation control and manure management.

DEP officials say they are planning on inspecting 10 percent of farms in the Bay watershed annually to ensure written plans are in place. Conservation districts participating in the program will inspect 50 farms per technician funded through the state's Chesapeake Bay program. Inspections are expected to start this month.

The following county conservation districts are participating in the inspection program: Adams, Bedford, Berks, Blair, Cambria, Centre, Chester, Clearfield, Clinton, Columbia, Cumberland, Fulton, Huntingdon, Indiana (covered in agreement with Cambria), Juniata, Lackawanna, Lancaster, Lebanon, Lycoming, Mifflin, Montour, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Union and Wyoming counties. Nine county conservation districts decided not to participate and three others cover only a small portion of the watershed. Those counties will see inspections performed by DEP staff.

The visits are part of a revised strategy by DEP for improvement of water quality in the bay. The state's "reboot" strategy is being driven by the federal Environmental Protection Agency, which is claiming that Pennsylvania is behind in meeting nutrient reduction goals in the watershed. Officials inspecting farms will focus on whether the farm is meeting the requirements for management plans required under state law. That includes a written soil conservation plan, along with a manure management plan for animal farm operations and farms that generate or use animal manure. Compliance of farms with state planning requirements has been part of the state's strategy for the bay cleanup since 2011.

PFB has serious concerns with the EPA's approach in cleaning the Chesapeake Bay Watershed, including a model used to determine the amount of nutrients reaching the bay. That's why Pennsylvania Farm Bureau partnered with Penn State on a best management practices survey, conducted this spring. Once those results are compiled, they will be shared with the appropriate state and federal agencies.

PFB wants to make sure that the men and women of agriculture are not unduly burdened during the Chesapeake Bay cleanup. Some farmers may not have put the conservation plans and manure management plans they are following in a written document, as the law requires. Help is available for farmers who need to update or write their conservation plans. Contact your local conservation district, or National Resource Conservation Service, for more information.

## **Court Rules EPA Violated Farmer Privacy In Data Release**

A United States Court of Appeals Ruled the Environmental Protection Agency violated the privacy of farm families in releasing data to several groups. The ruling by the United States Court of Appeals

for the Eighth Circuit sides with the American Farm Bureau Federation and National Pork Producers Council in a lawsuit against the agency.

AFBF and the pork producers took the EPA to court after the agency released a spreadsheet of personal information of farmers to three environmental groups in 2013. EPA officials released that information, which included names, addresses, GPS coordinates, telephone numbers and e-mail addresses, of livestock and poultry farmers in Pennsylvania and 28 other states. That information was requested by environmental groups through the federal Freedom of Information Act.

“This was an unwarranted invasion of personal privacy by a federal agency in violation of law,” said AFBF General Counsel Ellen Steen. “The court’s decision is a vindication of the right of farm families to control their own personal information. Farmers and ranchers have a strong privacy interest in their personal information, including their home address, even when they live and work on the farm.”

In siding with Farm Bureau, the court noted that EPA’s disclosure could result in unwanted harassment of farmers by the environmental groups or others. The EPA now has to “recall” all of the personal information unlawfully released, but the damage may already be done, Steen said.

“AFBF will continue to work to ensure that personal information about farmers and ranchers is not disclosed by EPA,” she said.

### **PFB Weighs In On Deer Management Proposal**

Pennsylvania Farm Bureau told members of the House State Government Committee that a deer management proposal will move wildlife decisions out of the hands of professional staff. PFB, testifying before committee members, said House Bill 2083, would take away significant ability and expertise away from the Pennsylvania Game Commission’s Board of Commissioners and experts on staff.

HB 2083 calls for the creation of a special, politically-appointed Forest and Wildlife Advisory Council and a movement to county-based wildlife management units instead of the current regional system. In addition, the bill, if adopted, would eliminate the Deer Management Assistance Program (DMAP) from public lands. PFB believes the movement to the wildlife council, away from the current Board of Commissioners would result in political, rather than science-based, decisions on wildlife management.

“The bill would require the commission to follow without question the will of a body of untrained individuals with special interests and predisposed agendas,” Joel Rotz, PFB’s senior director of State Government Affairs, said during testimony before the State Government Committee.

PFB believes that shift will greatly diminish the ability of farmers to control wildlife damage. The current system allows Game Commissioners to take in all aspects of wildlife management, including input from wildlife biologists, organizations and hunters. Quarterly meetings hosted by the Game Commission gives hunters and farmers the chance to provide input on Game Commission programs. PFB is also concerned that the elimination of DMAP on public lands could lead to the total elimination of the program-- which is a vital tool farmers use to control crop damage on their farms.

“DMAP utilizes hunters to solve deer damage concerns and has been highly popular for hunters and landowners alike by opening thousands of acres on public and private lands to hunting where overpopulation of deer often exist,” Rotz said. “House Bill 2083 would be a direct threat to the

profitability of our farmers and increased deer damage to other landowners who provide the majority of free access to hunters on private lands each year.”

HB 2083 was approved by the committee and now heads to the full House for consideration.

### **Volunteers Needed for New Agriculture Literacy Outreach**

Pennsylvania Farm Bureau and the Pennsylvania Friends of Agriculture Foundation are partnering on a new initiative to increase agriculture literacy among elementary age children. The first Pennsylvania Ag Literacy Week will be held March 20-24, 2017.

Pennsylvania Ag Literacy Week is an extension of the existing FARM-Tastic Book program, spearheaded by PFB's Women's Leadership Committee. Our goal is to have volunteers take a book selected as part of the program into the classrooms for more direct student contact, then donate the book to the classroom. This will get more books in the hands of students, and allow teachers to extend the learning with follow up lessons.

PFB and the foundation are looking to recruit farmers from across the state to purchase the book to be donated and volunteer their time to read to children. PFB and the foundation are also partnering with others in the agriculture sector, including FFA, 4-H and supporters to help with this effort. The foundation, through Ag Literacy Week, will connect volunteer readers with classrooms that want to host a book reader. It's a new endeavor and a new opportunity for our members and friends.

Farmers will get the chance to be the face of agriculture in a classroom (kindergarten through second grade). Along with reading a book, and leading kids through a simple activity, farmers will also have the chance to talk about their farms and experience in agriculture.

“Most children are three to four generations removed from living and working on a farm,” said Tonya Wible, program director with the Pennsylvania Friends of Agriculture Foundation. “We in the agriculture community need to be the face of farming. We need to show children, and adults, how valuable farming is to their everyday lives.”

Each year, an agriculture-themed book and activity will be chosen to take into schools. Both the book and activity will reinforce the value of farming and help children make farm-to-table connections. But we will need volunteers to help us bring that message to schools. In 2017, volunteers will read “Before We Eat: From Farm to Table,” which illustrates the men and women involved in the growing, harvesting, shipping and preparing the foods we eat. Volunteering is simple.

Farmers and agriculture supporters can register to be a reader in a local school district through our Ag Literacy Week website. The reading and hands-on activity should take about a half-hour. In addition, volunteer readers matched with a classroom will be asked to make a small donation of \$10 to cover the cost of the Ag Literacy Week book to be read, and then donated in their name to the classroom. This will leave the students a lasting reminder of their visit with a Pennsylvania farmer.

The Friends of Agriculture Foundation will supply all the necessary materials and training. To learn more about Ag Literacy Week visit [www.pfb.com/agliteracy](http://www.pfb.com/agliteracy) and consider adding your voice and experience to help students know about their food and the men and women who grow it.