

# **AG ISSUES UPDATE**

**Edited by Brad Hollabaugh**  
**November, 2016**

## **2016 General Election Results**

By the time this article appears, the results of the general election will be widely known. After a bitter campaign, we will have a new president, Donald Trump, and for the first time since 2006, we will have a Republican-controlled Congress serving with a Republican president.

Setting politics aside, our job in the fruit industry has not changed. Efforts to accomplish immigration reform and stability for our Ag Labor supply has crossed party lines – and presidents – for the past 20 years. It will be critical that we remain engaged with our representatives and the new administration to assure that new policies do not create even greater challenges for our industry.

## **President-elect Donald Trump on Ag Issues**

In an article published by *Farm Futures*, *FarmFutures.com*, on November 9, 2016, they report, “Before the election, Penton Agriculture posed a series of questions to the candidates. Here are the responses from the president-elect”:

### ***Who will be your closest advisors in understanding more about the needs of rural America?***

The Trump Administration will be a pro-agriculture administration. As president, I will fight for American farmers and their families. I am proud that Gov. Mike Pence of Indiana will be our nation’s next vice president. Mike will be a trusted source of counsel for me on many issues, including agriculture.

I have also assembled an Agriculture Advisory Committee comprised of dozens of leaders who represent the best that America can offer to help serve agricultural communities. Many of these officials have been elected by their communities to solve the issues that impact our rural areas every day. I’m very proud to stand with these men and women, and look forward to serving with them in serving all Americans from the White House.

### ***Agriculture has an estimated 2 million workers here illegally. How would you ensure the ag sector continues to remain viable and have access to needed workers? And what would be key components of your farm labor immigration policy?***

I recognize the unique labor challenges facing the American farm community and will include farmers and ranchers in the process of determining the best possible immigration policies.

Here are my three core principles of real immigration reform:

1. A nation without borders is not a nation. There must be a wall across the southern border.
2. A nation without laws is not a nation. Laws passed in accordance with our Constitutional system of government must be enforced.
3. A nation that does not serve its own citizens is not a nation. Any immigration plan must improve jobs, wages and security for all Americans.

For more information on this topic refer to <http://farmfutures.com/story-president-elect-trump-agriculture-0-149105>.

## **West Coast Ports**

The economic impact of the 2014-2015 West Coast ports labor dispute is still being felt by the apple industry and others in agriculture. In response, Representatives Dave Reichert (R-WA), Dan Newhouse (R-WA), and Kurt Schrader (D-OR) took the lead in organizing their colleagues to weigh in with officials from the labor union and ports to urge action now to prevent future disruptions.

USApple Sr. VP Diane Kurrle and others in the ports coalition urged House members to sign the letter. Those from apple growing districts include: Mike Simpson (R-ID), Raul Labrador (R-ID), Greg Walden (R-OR), Jaime Herrera Beutler (R-WA), Cathy McMorris Rodgers (R-WA), Mike Kelly (R-PA), Tom Reed (R-NY), Jim Costa (D-CA), and David Valadeo (R-CA).

Also, the Government Accounting Office (GAO) released an extensive report on the West Coast ports titled "Better Supply Chain Information Could Improve DOT's Freight Efforts." USApple was one of the industry organizations that GAO contacted during their investigation. Kurrle spoke with officials at several ports coalition meetings and in follow-up conversations. USApple leaders were also contacted by GAO officials. USApple received a copy of the final report with a note of thanks from the GAO. *(Source: Apple Bites – 11.2.16, Staff Contact: Diane Kurrle)*

## **Farm Bureau Asks Court to Overturn WOTUS**

The American Farm Bureau Federation, joined by several agricultural and businesses groups, asked a federal court to overturn the deeply flawed "Waters of the United States" rule. The court brief filed in the U.S. Court of Appeals for the Sixth Circuit outlines numerous concerns with the WOTUS rule, as drafted by the federal Environmental Protection Agency and the U.S. Army Corps of Engineers.

In the court brief, Farm Bureau and others discuss how the EPA ignored procedural safeguards in the rule making process, including withholding documents, ridiculing public comments and issuing "covert propaganda" in order to try and generate support for the rule.

"EPA set out to achieve a predetermined outcome and then manipulated the public notice-and-comment process to achieve that outcome," AFBF General Counsel Ellen Steen said. "It treated the rulemaking process like a game to be won instead of a deliberative process for developing lawful and reasonable regulations."

In addition, the court brief explains how the WOTUS rule violates the Clean Water Act, and expands federal authority to dry land. Farm Bureau and other groups are asking the court to strike the rule in its entirety.

## **Penn State Finalizing BMP Survey Results**

Penn State is putting the final touches on a survey conducted earlier this year to assess the extent of unreported best management practices used by farmers in the Chesapeake Bay Watershed. Penn State shared initial results with the Agriculture Workgroup of the Chesapeake Bay Program—a group of agriculture and government officials that provide insight into bay cleanup policies and programs. That preliminary data suggests numerous farmers have widely adopted voluntary conservation practices.

The survey was conducted to get an accurate picture of the number of best management practices used by farmers in the watershed and then share that data with the federal Environmental Protection Agency. EPA, in its model to determine agriculture's contribution to water quality, looked only at conservation practices paid by government cost-share dollars. Pennsylvania Farm

Bureau hopes the EPA will use the Penn State survey data in the model to give a more accurate picture of agriculture's impact on water quality.

### **Local Income Tax Bill Heads to Governor**

A bill that would make the filing of local income taxes more consistent with state and federal laws is being sent to the Governor. 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.

The bill has passed both the House and Senate. 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.

### **PFB Supported Bill Head to Governor**

A bill supported by Pennsylvania Farm Bureau is headed to Gov. Tom Wolf for his expected signature. The action comes as the legislative session of the General Assembly largely comes to a close for the remainder of 2016. House Bill 2370, sponsored by Rep. Dan Moul, establishes retroactive exemptions for realty transfer taxes during the transfer of agriculture conservation easements. In 2014, the Department of Revenue's Board of Appeals ruled that agricultural conservation easements were subject to transfer taxes. The ruling went against longstanding department policy of not applying taxes to those transfers.

Earlier this year, Gov. Tom Wolf signed a bill that specifically exempted realty transfer taxes from being applied to conservation easements that occur after September 12, 2016. HB 2370 retroactively applies those transfer tax exemptions made between Dec. 31, 2012 and September 12, 2016. If the bill does not go into effect, 246 farm families will have to pay a combined at a cost of \$1.3 million in taxes. Pennsylvania Farm Bureau advocated for legislators to support the bill.

### **Stink Bugs Building Up in Western Growing Areas**

According to produce industry publications, the Brown Marmorated Stink Bug (BMSB) population is growing rapidly and - just as they have done in the eastern United States - invading homes in Washington State. The significance of this development is that, while Washington State apple production occurs largely in a high desert climate, often surrounded by minimal vegetation, the BMSB often resides outside of orchards, overwintering in homes, garages, and other structures.

The structures with overwintering BMSB have proven to be a major source of infestation to crops and orchards. Researchers quoted in the article report finding 200 stink bugs in pheromone-baited traps over a five day period where last year they trapped 36 bugs through the entire season.

Another article, Stink Bug Spreads across Washington State describes a situation that is eerily similar to that occurring in the Eastern U.S. from 2008 - 2010 leading up to the explosion of the bug in 2010. Eastern growers cannot let their guard down either. Penn State researchers report a buildup in BMSB. Much of that information is available on the website [STOPBMSB.org](http://STOPBMSB.org).

USApple was a leader in the effort to establish the Specialty Crop Research Initiative (SCRI) that is supporting projects important to the apple industry, including research into strategies and techniques for combatting stink bugs in the orchard. Our advocacy efforts were successful again this year as a new five year research effort received \$17.8 million in SCRI funding. *(Source: Apple Bites – 11.2.16, Staff Contact: Mark Seetin)*

### **New Videos Explain Key Concepts in Efficient Fruit Production**

The Penn State Extension Tree Fruit team has created new videos for fruit growers. These ten minute 'Learn Now' videos are short, to-the-point guides explaining topics that are fundamental to commercial orchard intensification and efficiency. Learn Now videos allow fruit growers to access information from Penn State researchers when it best fits into their schedule.

With the busy schedule of running an orchard, it can be difficult to attend a full day workshop. These videos allow growers to learn topics from extension educators in the comfort of their home, whenever growers have time to watch. Videos are also being translated to Spanish to expand programming to Latino farmers throughout the state.

Current video topics focus on orchard practices that help increase efficiency and profitability. Videos were developed in part from the findings of an NRCS Conservation Innovation Grant (CIG) project. The CIG projects aimed to develop growing systems and technologies that allow for greater mechanization and labor efficiency in orchards, with the long-term goal of developing fully automated orchard systems.

### **'Apple Orchard System Blueprint'**

From their research efforts, Dr. Jim Schupp and project team members determined seven key steps to developing a successful high density apple planting. The 'Apple Orchard System Blueprint' Learn Now video covers these steps to ensure growers converting their blocks to high density systems can get the most value out of their new plantings. Some of these practices include:

- planting high densities of size-controlling rootstocks
- training trees to form a fruiting wall to maximize light interception
- simplified pruning and training tasks to increase labor efficiency.

### **'Peach Pruning Blueprint'**

Annual peach pruning is an important practice for producing high quality peach crops. The 'Peach Pruning Blueprint' Learn Now reviews efficient pruning practices from planting through maturity to keep the fruiting zone of the trees at the proper height. The video also reviews how to calculate the number of fruiting shoots to keep on the tree to achieve a targeted crop load per acre. These calculations were determined through years of data collection by Dr. Rich Marini, and have been successfully used by growers to efficiently prune their trees. Using your target crop load, you can use the amount of trees per acre to calculate the number of shoots per tree that need to remain on the tree after pruning. You can then prune the trees to this desired number, keeping mostly one year old shoots between six and eighteen inches in length, as these tend to produce the best fruit.

The Apple and Peach blueprints are available: <http://extension.psu.edu/plants/tree-fruit/commercial-tree-fruit-production/pruning-and-training>.

*Source: Penn State Extension*

### **FSMA Video Series Available**

View this new four-part video series to help you understand how your farm or food business may be affected under the Food Safety Modernization Act (FSMA).

The Penn State College of Agricultural Sciences is helping produce growers, food processors, and feed manufacturers prepare for new regulatory standards required under the Food Safety Modernization Act (FSMA) of 2011. Recently the Penn State Food Safety Modernization Act website was launched.

One of the first resources on this site is a series of four videos that are designed to help Pennsylvania farmers and food business operators understand which produce crops and food products are covered by FSMA, and what, if any exemptions are possible under the regulation.

Each video focuses on one key question, as their titles suggest:

- Video 1: What is the Food Safety Modernization Act?
- Video 2: Which Rule Covers My Produce or Human Food Products?
- Video 3: Do I Qualify for an Exemption to the Produce Safety or Preventative Controls for Human Foods Rule?
- Video 4: How Long Do I Have to Comply with the Produce Safety and Preventative Controls for Human Foods Rule?

These videos were developed by Dr. Luke LaBorde, associate professor of food science. More materials will be added to the site on the animal feed rule, as well as more detailed information on the actual requirements under each of the FSMA regulations.

Penn State Extension has taken the lead on these efforts by forming a cross-discipline team of faculty, staff and state-wide Extension educators with expertise in the areas of feed and food safety. Utilizing insights from impacted stakeholders, the team's goal is to deliver training and other educational resources that will help Pennsylvania's food and agricultural industry comply, creating a safer food system in the Commonwealth. View the videos at:

<http://extension.psu.edu/food/safety/food-safety-modernization-act>.

*Source: Penn State Extension*

### **Agriculture Foundation Celebrates One Million Student Milestone**

The Pennsylvania Friends of Agriculture Foundation reached a major milestone by welcoming the 1,000,000<sup>th</sup> student into a Mobile Ag Ed Science Lab. The foundation celebrated the achievement during an event in the Dover School District in York County. Since the program began in 2003, it has grown from one lab serving a four-county region to a fleet of six that has been at schools in nearly every county in Pennsylvania.

“One million students is a monumental accomplishment and a figure our farmers would have never imagined possible when they proposed the idea of bringing agriculture education to students through a mobile classroom,” said PFB President Rick Ebert, who also serves as the foundation chairman. “Over the years, our Ag Lab teachers have helped youngsters gain a better grasp of where their food comes from and the critical role farmers play in providing food, clothing, fuel and other products to the public.”

The foundation, a charitable organization supported by Pennsylvania Farm Bureau, has a mission of promoting agriculture education throughout the commonwealth. One of its most popular and visible programs are the Ag Labs. The growth and success of the Ag Lab program is due in part to local schools that have seen the educational value that Ag Labs provide. The foundation has established long-standing relationships with school districts—some of which that have been with the Ag Lab program since the beginning—and is constantly seeking new opportunities. Schools

appreciate that the program offers hands-on science lessons for children, with age-appropriate lessons.

“The hands-on experiments help students gain a better understanding of the scientific process, while increasing awareness of agriculture’s importance in their everyday lives,” said Mobile Ag Ed Science Lab Program Director Tonya Wible. “The kids also have a lot of fun and show a real enthusiasm for learning during our Ag Lab visits.”

The Pennsylvania Friends of Agriculture Foundation is grateful for the donations that have sustained the program, and from farm families who see the value in the program.

“The Ag Lab program is an expensive venture and wouldn’t be possible without donations and fundraising events hosted by farmers, the Friends of Ag Foundation and contributions from our sponsors,” Ebert said. “We’d like to thank all of our supporters for helping to make agriculture education a reality for one-million students across Pennsylvania.”