

AG ISSUES UPDATE
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EWG Attacks Apples with DPA Press Release & Dirty Dozen

On April 23, USApple received a heads-up that Environmental Working Group (EWG) would be releasing statements at midnight to media and bloggers specifically about post-harvest use of diphenylamine (DPA) in apples to prevent storage scald. The activist group also sent a letter to the Environmental Protection Agency (EPA) requesting the agency reexamine usage here in the United States and, more specifically, whether carcinogenic substances form when DPA is stored or used on apples.

In 2012, the European Commission (EC), the executive body of the European Union (EU), did not approve reregistration of DPA usage in its member countries based on data that had not been completed during the reregistration process. And, earlier this year the EC lowered the maximum allowable level of DPA on apple imports to 0.1 parts per million (ppm).

Citing safety concerns over DPA usage in the EU, EWG leveraged the EC's decision to directly attack the U.S. apple industry, and the group subsequently listed apples in the top spot on its Dirty Dozen list for the fourth year running. EWG timed the DPA media exactly one week before the official release of its Dirty Dozen round-up as a means to instigate more media attention, as interest in the scare tactic has waned the past couple of years.

USApple coordinated with industry allies to quickly gather accurate data about DPA, draft clear media talking points, and tweak our existing strategy for the expected Dirty Dozen announcement. USApple drafted a media statement/press release geared specifically toward DPA usage and industry talking points about DPA. Those materials were disseminated to the industry and to media who reached out.

USApple had a steady stream of interview requests during the days following the DPA media release and was able to infuse the apple industry's perspective into many articles. Among media outlets with which it did interviews are Reuters News Service, Chicago Public Radio, St. Louis Dispatch, and Food Safety News, to name a few. However, many bloggers - particularly those who do not favor conventionally grown crops - ran stories on EWG's perspective without seeking a voice from the apple or produce industries.

When the Dirty Dozen list came out, attention shifted from DPA to the annual pesticide "bad" list, which ironically was a positive for apples. USApple had another batch of interview requests, but at that time, unless it was a direct media query, USApple primarily let allied organization Alliance for Food and Farming (AFF) take the lead on reaching out to media with responses. The strategy was meant to take attention off apples specifically and to avert more articles on DPA. USApple used the press release and talking points drafted and on standby for the Dirty Dozen announcement - and which did not mention DPA. We also posted online and distributed a "Delicious Dozen" press release, a positive list of 12 scientifically-proven ways apples benefit health.

USApple has been closely monitoring media coverage, comparing activity with allied groups, and passing along relevant data to industry leaders. While there has clearly been an increase in negative media coverage as a result of EWG's new DPA tactic, that attention has tapered off. (*Apple Bites*, USApple, 5/6/2014)

Immigration Reform in the News

Agriculture Secretary Tom Vilsack and Virginia apple grower Phil Glaize held a telephonic press conference last week to draw attention to the needs of agriculture in the immigration reform debate. The event was geared toward agriculture and Virginia-based media.

Vilsack acknowledged that the "the number of days left in this congressional session are limited," but he added, "If it is to get done, it needs to get done now."

Glaize told reporters that he and other Virginia farmers "have spoken to both Cantor and House Judiciary Committee Chairman Bob Goodlatte, R-Va., about immigration reform repeatedly in recent years." He emphasized the urgency for reform stating that "worries about workers are keeping him from expanding."

Speaker John Boehner made headlines last week for mocking fellow Republicans for being "too scared" to tackle immigration reform and since then many are speculating that the House could vote on legislation this summer. USApple and our coalition partners in the Agriculture Workforce Coalition (AWC) are working to keep the issue alive and urge support from key Members of the House. (*Apple Bites*, USApple, 5/6/2014)

EPA Announces Proposed Changes to Farm Worker Protection Standard

In the March 19, 2014 Federal Register the Environmental Protection Agency issued proposed changes to the Agricultural Worker Protection Standard (WPS). The intent of these changes is increase protections from pesticide exposure for the nation's two million agricultural workers and their families.

The proposed changes aim to strengthen the protections provided to agricultural workers and handlers under the worker protection standard by improving elements of the existing regulation, such as training, notification, communication materials, use of personal protective equipment, and decontamination supplies.

Summary of proposed changes:

- Annual mandatory trainings (rather than once every 5 years) to inform farm workers about the protections they are afforded under the law, including restrictions on entering pesticide-treated fields and surrounding areas, decontamination supplies, access to information and use of personal protective equipment. Expanded trainings will include instructions to reduce take-home exposure from pesticides on work clothing and other safety topics.

- Expanded mandatory posting of no-entry signs for the most hazardous pesticides. The signs prohibit entry into pesticide-treated fields until residues decline to a safe level.
- First-time ever minimum age requirement: Children under 16 will be prohibited from handling pesticides, with an exemption for family farms.
- New no-entry 25-100 foot buffer areas surrounding pesticide-treated fields will protect workers and others from exposure from pesticide overspray and fumes.
- Mandatory record-keeping to improve states' ability to follow-up on pesticide violations and enforce compliance. Records of application-specific pesticide information as well as farm worker training and early-entry notification must be kept for two years.
- Personal Protection Equipment (respirator use) must be consistent with the Occupational Safety & Health Administration standards for ensuring respirators are effective, including fit test, medical evaluation and training.
- Requirement to make available to farm workers or their advocates (including medical personnel) information specific to the pesticide application, including the pesticide label and Safety Data Sheets.
- Additional changes make the rule more practical and easier to comply with for farmers.
- Continues the exemptions for family farms and broadens the definition of immediate family members which are exempt from many of the aspects of the Worker Protection Standards.

A comparison of the current regulations with the proposed standards is available at <http://www.epa.gov/oppfead1/safety/workers/proposed/comparisons-current-proposed-wps.pdf>.

Comments regarding these proposed regulatory changes must be received on or before June 15, 2014 and should be identified by document identification number EPA-HQ-OPP-2011-0184. Pennsylvania growers with questions regarding the proposed WPS changes may contact Jim Harvey at jdh18@psu.edu or 814-863 8214. (*Penn State University*)

Farm Bureau Pushes for Federal Tax Reform

The American Farm Bureau Federation is pushing for reforms in the federal tax code to allow farmers to thrive economically. AFBF President Bob Stallman recently testified during a Congressional hearing on tax reform and the adjustments necessary that will keep agriculture producers competitive.

“One of the major goals of tax reform should be to provide stable, predictable rules for businesses so that they can grow and create jobs,” Stallman said. “Farm Bureau believes that Congress should end its practice of extending important business tax provisions for one or two years at a time. This practice makes it very difficult for farmers and ranchers to plan and adds immense confusion and complexity.”

Recently, Rep. Dave Camp, a Michigan Republican who chairs the House Ways and Means Committee, released a tax reform proposal. His proposal, which has not been drafted into a bill, would lower both the top corporate income tax rate and the top individual tax rate to 25 percent from the current 35 percent for corporations and 39.6 for individuals.

However, several provisions in Camp's proposal would be troubling to agriculture, including changes to Section 179, which farmers use to deduct equipment expenses. Under Camp's proposal, Section 179 deduction limit would be permanently set at \$250,000. Farm Bureau supports reinstating the 2013 level of \$500,000 with a \$2 million phase out level.

In written testimony Stallman told members of the Ways and Means Committee that several now-expired deductions are critical to agriculture success. They include:

- Setting the Section 179 expensing limit at \$500,000.
- Allowing for bonus depreciation, which is an additional 50 percent bonus depreciation for the purchase of new capital assets including agriculture equipment.
- Keeping the Cellulosic Biofuel Producer Tax Credit, which is a \$1.01 per gallon tax credit for cellulosic biofuel sold for fuel.
- Continuing the \$1 per gallon tax credit for the production of biodiesel and renewable diesel fuels.
- Keeping provisions that encourage donations of conservation easements.

Stallman said farmers rely on programs like Section 179 to even out their income from one year to the next and keep their tax burden consistent from one year to the next.

"Farming and ranching is a capital intensive business. In order to remain profitable and be competitive, farm equipment, buildings, and storage facilities must be continually upgraded and replaced," he said. "This provision allows agricultural producers to reduce maintenance costs, take advantage of labor-saving advances, become more energy efficient and adopt technology that is environmentally friendly."

Farm Bureau Supports Voluntary GMO Labeling Bill

Farm Bureau is supporting a federal effort that would prevent consumer confusion over separate state-based initiatives on the labeling of genetically modified ingredients. The Safe and Accurate Food Labeling Act will also ensure that farmers have access to emerging agriculture technology they need to meet the demands of a growing nation, along with operating on a reduced environmental footprint.

The act would also direct the Food and Drug Administration to establish standards if companies want to label their products for the absence or presence of GMO ingredients.

If the bill passes, the FDA would be required to conduct a review of all new GMO traits before they are used by farmers—and gives the agency the option to mandate labeling of GMO ingredients if the FDA finds a health or nutrition issue with the technology.

"The diversity of innovative options farmers and ranchers have in regard to how they grow our food is one of the reasons U.S. consumers enjoy a wide variety of foods that are also among the most affordable in the world," American Farm Bureau Federation President Bob Stallman said in a statement. "Farm Bureau supports all production practices-- and common sense, science-based regulations-- that ensure consumers are receiving safe and healthy food. But we will stand adamantly opposed to those who want to take tools and technologies away from America's farmers and affordable choices away from consumers."

Penn State Announces a Tool to Track Pest Development throughout the State

Penn State College of Agricultural Sciences offers a web-based tool enabling agricultural producers to track temperatures and crop, weed and insect pest development throughout the state. The Pennsylvania Pest Information Platform for Extension and Education (PA-PIPE) utilizes maps on their website which is currently tracking the development of the alfalfa weevil activity in the southern portions of the state. The maps provide an early warning system to producers to begin scouting their alfalfa fields for insect damage in areas where large populations of alfalfa weevils are projected to develop.

Other useful information on the PA-PIPE website tracks the soil temperature to aid with planting decisions, monitors plant diseases, weather data and weed germination to help with control measures. The PA-PIPE program may be accessed at <http://extension.psu.edu/pa-pipe>.

Penn State Studying Pollinator Decline

Researchers at Penn State are utilizing three grants from the U.S. Department of Agriculture and National Science Foundation to look at what is causing declines in pollinator populations. Pollinators—particularly honeybees—have been in decline due to a variety of factors including poor nutrition, genetics, invasive species and other factors. Scientists have said those elements are contributing to Colony Collapse Disorder which causes bee die offs in winter months.

Current Penn State research is focusing on three areas that could be impacting pollinators: Scientists have identified a parasite that is linked to Colony Collapse Disorder. Research will look at the gene characteristics of this particular parasite and how it is able to affect honeybee health. Researchers hope to develop specific therapeutics to reduce the parasite's virulence.

Penn State scientists are also looking at the role pesticides may play in affecting pollinator health. Some current research has found that honeybees are sensitive to some formulas used in certain pesticide mixtures, including inert materials. Penn State will use grant money to study formulas and make recommendations on which mixtures may minimize impacts on pollinators.

Lastly a grant from the National Science Foundation will examine the impact of invasive species on pollinator colonies. Researchers will look at ecosystem structure and the role it plays on pollinator health.

Unmanned Aerial Vehicles Provide Value to Agriculture

Unmanned aerial vehicles (UAV) may become more commonplace on agricultural operations in the near future as producers realize the potential for early detection of fertilizer problems, monitoring moisture stress, mapping tile lines, measuring residue on the field and producing plant population counts.

Sophistication levels of the planes vary but more expensive models can be uploaded with a flight plan, take aerial photos by itself, determine wind direction and land automatically within two feet of a predetermined site. The planes use a global positioning system to locate any field on the farm and will scout entire fields quickly and efficiently.

The Federal Aviation Administration (FAA) has provided guidelines for UAVs such as establishing a maximum plane weight of under four pounds, flying at a maximum altitude of 400 feet, restricting flights near airports and prohibiting flying at night. The FAA is planning to issue final regulations on UAVs by the fall of 2015. Agricultural producers are projected to comprise a major segment of the unmanned plane market utilizing its capabilities to scout fields to enable better agronomic decisions.

Court Rules in “Right to Farm” Case

The Pennsylvania Superior Court has issued a decision on an appeal challenging the interpretation of the state’s Right to Farm Law, which was mostly positive for agriculture. Pennsylvania Farm Bureau filed a “friend of the court” brief over concerns with extremely unfavorable interpretations of the law being offered by residents trying to sue a neighboring farm.

The case originated in York County after neighbors complained about the use of biosolids on a farm. If adopted by the court, the neighbors’ interpretation of the law would have virtually eliminated any meaningful protection from nuisance lawsuits.

“The extreme interpretations of the Right to Farm Law advocated by the neighbors would have made the law’s protections of farms from nuisance suits meaningless,” said John Bell, PFB’s government affairs counsel. “We are thankful the court rejected these interpretations and kept the Right to Farm Law’s intended goals and protections from nuisance suits intact.” At issue in the case was the interpretation of the Right to Farm Law’s provision that protects farms making a “substantial change.”

The court favorably ruled the law’s protection continuously reoccurs after each change is made, and the time period for determining reestablishment of the protection is strictly one year from the date the farmer first makes the change, not a year after neighbors may be “affected” by the change.

Superior Court did, however, reverse the lower court’s ruling outright that the use of biosolids is part of “normal agricultural operation,” and sent the case back for the court to hear additional testimony on the issue. PFB’s friend of the court brief focused on the possible negative interpretation of the Right to Farm Law and did not address the use of biosolids.