

AG ISSUES UPDATE
Edited by Brad Hollabaugh
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Farm Bureau Pushes Congress on WOTUS

Pennsylvania Farm Bureau participated in a Congressional briefing with Rep. Glenn “GT” Thompson on the far reaching new oversight that will fall to the federal government under the “waters of the U.S.” rule.

The recently approved WOTUS rule will give the Environmental Protection Agency and U.S. Army Corps of Engineers new powers to assert their authority over rain-dependent ditches and drains under the Clean Water Act. Analysis completed by Farm Bureau shows that most Pennsylvania waterways and ditches will fall under federal oversight, even though many of those features are already governed by state and local regulations.

Farm Bureau is calling on Congress to pass the Federal Water Quality Protection Act, now pending in the Senate, which would require the EPA and Corps to withdraw their rule. The Clean Water Act limits federal authority to “navigable” waters. However, the WOTUS rule states that any feature that drains into a navigable water falls under EPA jurisdiction. Twenty-nine state have filed suit in federal court against the EPA and Corps to dismiss the rule.

Leading Senator Asks for WOTUS Clarification

Sen. Jim Inhofe, who chairs the Senate Environment and Public Works Committee, is asking the U.S. Army Corps of Engineers to produce documentation related to the recently adopted “waters of the U.S.” rule. That rule significantly expands federal authority under the Clean Water Act to nearly every water body in the county, including some land features. Inhofe is concerned the WOTUS rule lacks factual, technical and legal support and is requesting clarification of statements to that effect in internal agency documents.

Inhofe, an Oklahoma Republican, leads the committee with oversight into the Environmental Protection Agency and Corps, both of which drafted the WOTUS rule. However, documentation sent to the committee by the Corps suggests the agency had limited involvement in drafting the rule, Inhofe said. Farm Bureau would like to see these internal agency communications made public.

“This validates concerns Farm Bureau has had all along about political considerations trumping valid concerns from the regulated community,” said Don Parrish, senior director of regulatory relations at the American Farm Bureau Federation. “This letter supports our concern that EPA conducted a campaign rather than an honest rulemaking.”

AFBF Files Lawsuit on WOTUS

Days after Attorneys General in 29 states sued the federal government, the American Farm Bureau Federation filed a court case seeking to overturn the misguided “waters of the United States” rule.

AFBF is joined by other agriculture and industry groups in its lawsuit against the Environmental Protection Agency over the sweeping redefinition of federal jurisdiction governing the Clean Water Act. EPA’s WOTUS rule gives federal oversight to miles of small creeks, drainage ditches and even dry land that holds water during a rain event.

The AFBF lawsuit claims the new rule grants the EPA sweeping control over land use, far exceeding what Congress had intended with the creation of the Clean Water Act. The suit also claims the vagueness of the rule violates the U.S. Constitution, and challenges the EPA's unprecedented advocacy campaign launched to build support for their rule and ignored concerns voiced by farmers and landowners.

"AFBF filed this lawsuit to do everything we can to protect the interests of farmers, but litigation is not a quick or perfect fix," said AFBF General Counsel Ellen Steen. "It is long, cumbersome and expensive and it leaves farmers and others facing immediate harm and uncertainty under this rule." Farm Bureau is also turning its attention to Congress to block the implementation of this rule.

House Passes Voluntary Food Labeling Bill

The House of Representatives passed a bill that will allow for a national voluntary labeling system for foods that are not derived from biotechnology. House Bill 1599, the Safe and Accurate Food Labeling Act, will prevent a patchwork of state laws that could require labels on food products that contain genetic modified organisms (GMOs). Pennsylvania Farm Bureau praised the bipartisan support shown in adopting the legislation.

"The legislation will protect consumers from confusing and misleading GMO labels and create a voluntary marketing labeling standard based on sound science," said PFB President Rick Ebert.

The bill, which passed 275-150, would establish a non-GMO labeling program similar to the current organic labeling program administered by the U.S. Department of Agriculture. It would also affirm the Food and Drug Administration as the authority for food safety and labeling.

The bill now heads to the Senate for consideration. PFB is urging Pennsylvania Senators Bob Casey and Pat Toomey to support the bill.

Farm Bureau Presses for Trade Promotion Authority

Farm Bureau is urging Congress to support legislation that allows for trade promotion authority, which will streamline trade negotiations. The Bipartisan Congressional Trade Priorities and Accountability Act would help negotiators in ongoing international trade talks, including the Trans-Pacific Partnership. Some foreign governments are hesitant to work with the U.S. on tough trade issues because of Congress's ability to significantly change the terms of trade after agreement was initially reached.

Under Trade Promotion Authority (TPA), Congress will retain the final approval for all trade deals, and continues to set objectives and priorities for negotiations, but eliminates the possibility of adding amendments.

"With TPA, we send a strong message to our international partners that when the United States comes to the negotiating table, we mean business," American Farm Bureau Federation President Bob Stallman said. "Without TPA, we risk yielding our global economic leadership to other nations."

The United State exported \$152 billion in agriculture products last year, but that number could fall by \$12 billion this year in part due to problems negotiators are facing in reducing trade barriers. TPA would give negotiators new leverage as they look to break down trade barriers and open new markets. TPA is a critical component of fixing stalemates in the Trans-Pacific Partnership and Transatlantic Trade and Investment Partnership negotiations.

Senate Committee Introduces Tax Bill

The Senate Finance Committee passed legislation that would help farmers better manage their cash flow and tax liabilities. The bill includes a provision to extend Section 179 small business expensing through 2016.

That provision allows farmers to deduct capital expenses over a few years, rather than the full life of the equipment. The bill would also extend bonus depreciation through 2016. Both provisions allow farmers to better manage their expenses and income.

“Section 179 and bonus depreciation lend stability and help minimize risk in an unpredictable industry,” AFBF President Bob Stallman said. “Farmers and ranchers rely on tax provisions that allow them to manage their cash flow and put their money back to work for their businesses and local economies.” Farm Bureau is working with Congress to make these tax provisions permanent.

USDA Expands Crop Insurance for Fruit Producers

The U.S. Department of Agriculture is offering expanded crop insurance provisions for fruit growers. The Supplemental Coverage Option (SCO) and Actual Production History Yield Exclusion (APH) can now cover fresh fruits in some counties, starting with the 2016 crop year. SCO will be available for apples, blueberries, grapes, peaches, potatoes and other crops. Currently SCO covers row crops in selected counties. SCO is a policy endorsement that can be used to supplement existing crop insurance, and covers a portion of losses not covered by other insurance.

Farmers who grow apples, blueberries, grapes, peaches, potatoes and tomatoes also have the option of selecting APH Yield Exclusions for the 2016 crop year. The program allows farmers with qualifying crops in select counties exclude low yields during times of natural disaster or bad weather from their production history when calculating yields to establish insurance coverage. Crop years are eligible when the average per acre yield is at least 50 percent below the average for 10 crop years. It can allow farmers to receive higher approved yields on federal crop insurance.

For more information contact your local Risk Management Agency office.

Report Shows Need For Rural Infrastructure Investment

A recent report by a national non-profit transportation research group shows an abundant need for further investment in rural infrastructure, including highways. And one only need to look at Pennsylvania to understand the scope of the problem.

Pennsylvania leads the nation in the number of structurally deficient bridges found in rural areas. According to the report compiled by TRIP, 25 percent of the state’s rural bridges are listed as structurally deficient. While the state has set aside significant resources to address the problem, there is a growing backlog of work on the state’s bridge system.

The state’s rural roads are also suffering from wear and tear, and not enough funds to pay for repairs. Roughly 11 percent of the state’s rural roads are listed in poor condition, slightly less than the national average of 15 percent. There’s a public safety factor to consider as well.

The TRIP report found many of the nation’s rural roads lack safety features and have fatal traffic crashes at a rate nearly three times higher than all other roads and highways. Pennsylvania had 563 fatalities on rural, non-interstate roads, in 2013, ranking the state sixth in the nation, according to the TRIP report.

“The economic vitality of rural areas, and the quality of the region’s highway infrastructure, are intertwined, said Veronica Nigh, an economist with the American Farm Bureau Federation. “The quality of life in rural America and the strength of the rural economy are tied directly to the safety and quality of rural roads, highways and bridges. “America’s rural transportation system is the critical farm-to-market link. The importance of that cannot be overlooked.”

TRIP is calling on Congress to address the infrastructure needs of rural areas by passing long-term transportation funding. Congress is facing an upcoming deadline to reauthorize funding for the Highway Trust Fund, which could run out of money by late summer. The Highway Trust Fund is a critical source of money for states to complete road and bridge projects.

Spotted Lanternfly Monitoring Expands

The Pennsylvania Department of Agriculture has expanded its monitoring program for the invasive Spotted Lanternfly into Montgomery and Lehigh counties after the pest was discovered last year in Berks County.

There is no evidence the lanternfly has spread beyond Berks County. So far, eradication efforts have killed nearly 100,000 bugs, which feast on a host of agriculture crops and have no natural predators in the United States. If left unchecked the bug, native to Asia, could seriously impact the state’s grape, fruit tree and hardwood industries. Residents are encouraged to contact 1.866.253.7189 if they spot the lanternfly.

PA Congressional Delegation Concerned Over Long Eared Bat Designation

Members of Pennsylvania’s Congressional delegation recently sent a letter to the U.S. Fish and Wildlife Service outlying concerns over the listing of Northern Long-eared Bats as threatened. There are concerns the designation could have lasting impacts on farming and logging activities throughout Pennsylvania, even though those activities are not impacting bat populations.

The Northern Long-eared Bat populations have declined significantly due to White Nose Syndrome, which is spread in areas where bats hibernate. However, the designation by the Fish and Wildlife Service will put restrictions on the application of pesticides and harvesting of timber during times when the bats are not hibernating. The state’s Congressional delegation asked the Fish and Wildlife Service to carve out specific exemptions for farming and timber activities that are not causing a decline in bat populations as it looks for ways to reverse species loss.

2015 Apple Grower of the Year Announced

Congratulations to Bill Dodd of Hillcrest Orchards in Amherst, Ohio. He has been named the 2015 Apple Grower of the Year by American Fruit Grower® and Western Fruit Grower™ magazines.

The Apple Grower of the Year award program, sponsored by Valent U.S.A., honors apple growers who have gone beyond the confines of the orchard and have, through their involvement and leadership, made a real impact on the apple industry. (*Apple Bites*, US Apple, 8/12/15)