

AG ISSUES UPDATE
Edited by Brad Hollabaugh
March 2019

Senate Passes Important Pesticide Legislation on Crop Protection Tools

In a victory for the agriculture community, late yesterday [Feb. 28] the Senate passed the Pesticide Registration Improvement Act (PRIA). The House passed it on Monday. The bill was signed into law by President Trump on March 8, 2019.

First passed in 2004, PRIA allows the EPA to collect user fees from pesticide manufacturers seeking to get their products approved for public use. In turn, the agency is required to make the decision on registration within a set time frame. Without the funding provided by PRIA, important registration processes could take months or years longer to complete. Since the law expired 2017, Congress has enacted several temporary extensions that have allowed the program to continue.

USApple is a member of the Pesticide Policy Coalition and the Minor Crop Farmer Alliance and has been working with the two industry coalitions since the law expired in 2017 to support passage of the PRIA reauthorization legislation. With an increasingly tight EPA budget resulting in limited funding for pesticide registration, the need for a reauthorized PRIA is even greater now than in the past. With the passage of the PRIA bill by the Senate and the anticipated signature by the President, this important program can continue to provide agriculture with critically needed crop protection tools in a timely manner.
(USApple Member Alert, March 1, 2019)

Capitol Hill Day

Each year, US Apple hosts Capitol Hill Day in Washington, DC. Beginning with a breakfast at a downtown hotel, participants are privileged to not only be briefed by USApple staff, but also hear a guest speaker reflecting

Delegations from all the apple growing states then head out to the Senate and House buildings to meet with their legislators to discuss key topics important to the US Apple industry. These meetings often engage our senators and representatives directly or their key legislative staff and signify an important part of our industry's outreach to help influence the legislative process.

Thanks to all the folks from PA and around the country who were able to participate in this event (March 13). Beyond the thrill of meeting with our legislators, one can also take in the magnificent architecture of the Capitol and other federal buildings surrounding it.

And remember that we may share only one key day per year going to DC, but USApple is constantly in contact with legislators and administrative staffers and other Ag organizations working for us every day.

Captan Review

The EPA's registration review process for the broad spectrum fungicide, captan, closed on March 15th. Given its importance to growers in the region as part of their disease control program, Dr. Kari Peter, Penn State's Plant Pathologist at FREC, wrote a short bulletin about the EPA's review for growers.

A message went out quickly to the Legislative Action Committee for SHAP regarding the captan review. Many thanks to all of those who were able to participate in those comments. Each submittal is one more testimony to not only the value of this product in our battle against the fruit disease spectrum, but also its significance as the foundation of a sound resistance management fungicide program.

A special thanks to Dr. Kari Peter for taking the initiative to help growers with some key points and providing the link directly to the proper docket on the EPA website. And thanks to Daniel Weber for reaching out with that information promptly. We have incredibly talented and dedicated people working for our industry in both research and extension!

Finally, remember that USApple also submitted comments on behalf of the apple industry. That is just one more way that they continue to support our industry. Comments may be found at <https://www.regulations.gov/docket?D=EPA-HQ-OPP-2013-0296>.

Deal Reached to Avoid Second Shutdown

Congress and President Donald Trump have reached a deal to continue funding the federal government, averting a repeat of the impasse that partially shuttered the federal government in January and delayed key agricultural programs.

While the agreement doesn't resolve ongoing disagreement between the Republican president and congressional Democrats over funding a U.S.-Mexico border wall, it shifts the fight to a different venue (Trump plans to pay for the project through executive action while opponents have sought to block the move in court). That stops another shutdown from occurring and further delaying implementation of the 2018 Farm Bill and other important farm programs.

EPA Accepting Comments on New Clean Water Rule

The U.S. Environmental Protection Agency and Army Corps of Engineers are considering adopting a commonsense Clean Water Rule to replace the controversial Waters of the U.S. regulation. Farmers have an opportunity to weigh in on why this change is vital to the future of Pennsylvania's family farms.

The new Clean Water Rule more clearly defines what bodies of water are subject to federal regulation and which are left up to state governments to regulate. If the proposal is adopted, ephemeral streams, most ditches, isolated wetlands, prior converted cropland and stormwater controls constructed in uplands would not be federally regulated.

Farm Bureau has led the push to repeal and replace WOTUS, believing that the 2015 rule was too broad, attempted to regulate land well beyond what is allowed under federal law,

and would have imposed hefty new costs and other burdens on farmers looking to make even minor land-use decisions.

EPA and the Army Corps are seeking public comments on the proposal before drafting a final rule and it's a sure bet that they will hear from many opponents of the new rule who would rather see farms regulated under WOTUS. You can make your voice heard by responding to Pennsylvania Farm Bureau's Action Alert at <https://bit.ly/2NvB2XE>.

Governor Pitches "PA Farm Bill" in 2019-2020 Budget

Gov. Tom Wolf is calling for new funding to help rejuvenate Pennsylvania's farm economy and assist beginning farmers as part of his proposed 2019-2020 state budget.

Dubbed the "PA Farm Bill," the \$24 million proposal would launch new programs and expand or shift existing ones with the goal of increasing opportunities for farmers. Wolf outlined the proposal during a recent event on a Lebanon County farm.

The plan is part of the governor's 2019-2020 state budget proposal, which would maintain spending for many key programs that affect farm families and consumers and increase funding in some areas. Notably, the spending plan would maintain current funding levels for Penn State Cooperative Extension and the University of Pennsylvania School of Veterinary Medicine.

Wolf called for a modest increase in funding for Department of Agriculture jobs and services that support agriculture as well as significant increases for the Nutrient Management Fund, Agricultural Excellence programs and the PA Preferred program. However, the plan would zero out funding for agricultural research conducted by PDA, the agricultural promotion, education and exports program and the food marketing and research program.

Wolf's "PA Farm Bill" proposal includes a mix of new funding, funding shifts and legislative or regulatory changes that aim to provide a boost to Pennsylvania agriculture during a difficult farm economy.

To assist beginning farmers, the proposal would establish a Pennsylvania Agricultural Business Development Center to help farmers create business, transition or succession plans and would exempt transfers of preserved farmland to beginning farmers from realty transfer taxes.

The plan would also ramp up funding for dairy research and grant programs and create a new Center for Animal Agriculture Excellence to provide research and services to animal agriculture operations. It would also, among other measures, provide financial incentives for farms to begin direct-market meat sales, expand tax credits and low-interest loans for conservation practices, provide funding to expand urban agriculture, create a block grant program for certain specialty crops, increase funding for PA Preferred, make investments to expand marketing opportunities for organic products, create new opportunities to farms

to directly market to schools, and provide funding for the state to quickly respond to agricultural disasters, such as the spotted lanternfly and avian influenza.

Bill to Help Fight Against Spotted Lanternfly Clears Committee

The state House Agriculture Committee approved a bill that aims to help the state's effort to combat the invasive spotted lanternfly by adding the plant known as Tree of Heaven to the state's noxious weeds list.

The tree, an invasive species itself, plays a key role in the lifecycle of the spotted lanternfly. The spotted lanternfly was first sighted in the U.S. in Berks County in 2014. It has since spread throughout southeastern Pennsylvania and is a major threat to several agricultural crops, including hardwoods, grapes, fruit trees and hops.

Senate May Consider Sunday Hunting Legislation

A bill opposed that would effectively expand Sunday hunting in Pennsylvania recently cleared the state Senate Game and Fisheries Committee.

The 8-3 vote sends Senate Bill 147 to the full Senate for consideration. The bill would give the Pennsylvania Game Commission full authority to allow for Sunday hunting in its establishment of seasons and bag limits.

Pennsylvania Farm Bureau members oppose Sunday hunting and believe the bill would exacerbate the issue of hunting-related trespass and disrupt the current arrangement that allows both hunters and other outdoor enthusiasts a day to enjoy our state's wilderness without coming into conflict with each other. While the bill would strengthen penalties for hunting-related trespass, it does not address many other concerns and policy objectives farmers have related to Sunday hunting.

PFB is urging farmers across the state who oppose expanding Sunday hunting to contact their legislators to make their voices heard. That can be done by responding to PFB's Action Alert at <http://bit.ly/2NlvdGp>.

Ag Security Law Updates Advance in General Assembly

State lawmakers have taken their first steps towards approving legislation that would clarify how landowners may want to handle the need for additional farm residences when preserving their farms.

Identical bills that would provide the necessary updates to the state's Agricultural Area Security Law to each passed the House and Senate Agriculture and Rural Affairs committees last month. House Bill 370, sponsored by Rep. Kate Klunk of York County, and Senate Bill 145, sponsored by Sen. Gene Yaw of Lycoming County, can now be considered by the full House and Senate.

Currently, state law allows for the creation of one additional farmstead residence on preserved farms. The bills would give farmers the option to waive this right for an additional farmstead in order to reduce the value of their land. Additionally, the legislation

would clarify that preserved farm owners can subdivide their land for a second residence, whether it is standing or needs to be constructed. State law currently allows for subdivision only when another farmhouse is going to be constructed, not for one that is standing.

State House Committee Approves Wind Power Bill

A state House committee has advanced a bill that would allow construction of wind turbines on preserved farmland.

House Bill 441, sponsored by Rep. Curtis Sonney of Erie County, was approved by the House Agriculture and Rural Affairs Committee and now heads to the full chamber for consideration.

The plan would allow the owner of preserved farmland with 50 or more acres to grant a right-of-way for the installation of a wind power generating system. Now, such landowners may grant rights-of-way for other utilities, such as water, sewage, electric, telephone, underground mining and gas- or oil-product lines. The bill would add wind power to that list. A similar bill was approved by the state House last session but was not voted on by the full Senate.

Federal and State Income Tax Filing Deadline Extended for Farm Taxpayers

The federal IRS and Pennsylvania Department of Revenue have extended until April 15 the deadline for qualifying farmers to report and pay 2018 income tax liability without imposing a tax penalty.

The waiver issued by both agencies came on the heels of the March 1 filing deadline, which normally applies to taxpayers whose gross income from farming is at least two thirds of the taxpayer's total income in a tax year. To be eligible for the waiver from tax penalty, the farmer must attach Form 2210-F to both their federal and state income tax returns.

Still Plenty of Money for Conservation Planning Reimbursements as Deadline Nears

There's still plenty of money available through a state grant program that reimburses farmers in the Chesapeake Bay Watershed for the cost of professional assistance with conservation planning. But the deadline to apply for the money is April 1 so make sure to apply now.

As of early March, there was still close to \$600,000 available, which means that eligible farmers who apply for the funding are very likely to be approved.

Farmers can be reimbursed up to \$6,000 for the cost of hiring consultants to complete required Manure Management, Agriculture Erosion and Sediment Control, Nutrient Management, and Conservation plans. Plans developed during 2017 or later are eligible for reimbursement as long as they were not developed by the Natural Resources Conservation Service (or with NRCS funding), developed for Resource Enhancement and Protection Program (REAP) tax credits or developed for acres that previously received reimbursement through this program.

Farmers in Bradford, Cameron, Carbon, Centre, Clearfield, Clinton, Columbia, Elk, Jefferson, Lackawanna, Luzerne, Lycoming, Montour, Northumberland, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, and Wyoming counties should contact Sara Bolton of Larson Design Group at sbolton@larsondesigngroup.com or **570.374.5700**.

Farmers in Adams, Bedford, Berks, Blair, Cambria, Chester, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Indiana, Juniata, Lancaster, Lebanon, Mifflin, Perry, Somerset, and York counties should contact Jedd Moncavage of TeamAg at jeddm@teamaginc.com or **717.721.6795**.