

## **AG ISSUES UPDATE**

**Edited by Brad Hollabaugh**  
**July 2019**

### **New York Farm Worker Rights Bill Passes**

The New York State Assembly has passed the controversial Farm Laborers Fair Labor Practices Act. And it heads to Gov. Andrew Cuomo's desk for a final signature, which the Democratic governor has pledged he will deliver.

It will extend overtime pay benefits and the right to collectively bargain and unionize to farm workers across the Empire State's \$5 billion agriculture sector. The legislation will likely go into effect in January 2020.

We spoke with New York Horticulture Society Director Paul Baker, himself a fifth-generation vegetable grower from Niagara, NY, a couple weeks ago about possible implications from the legislation for growers in New York.

Since that report, the farm lobby obtained several concessions. The most notable reverses the language that would have forced farmers to pay out overtime wages (time and a half) on all hours worked beyond the standard 40-hour work week. New York farmers will now pay out overtime wages on all hours worked beyond 60 hours in a given week.

At first glance, there are several similarities to California's farm labor wage laws. In California, however, lawmakers established a timeline through a 2016 addendum. By January 2025, all farm workers earn overtime wages for any hours beyond 40 hours.

In addition, the bill requires New York farm workers to rest for one consecutive 24-hour period per work week. This limits the number of days per week they can work. Farmers and agribusiness representatives are criticizing this requirement. They feel it makes them less competitive for workers in an increasingly competitive labor market. Several state lawmakers have also spoken out against the bill. *Matthew J. Grassi July 1, 2019*

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### **USApple Meets with Speaker Pelosi**

In a small meeting with Speaker of the House Nancy Pelosi, Jim and Diane and reps from other aligned commodity groups met to discuss trade and labor issues impacting agriculture. Speaker Pelosi will be key to passage of the US-Mexico-Canada free trade agreement which must be ratified by Congress. The Speaker is also supporting legislative efforts to address agriculture's labor needs. *USApple Apple Bites - 7.3.19*

### **USDA Announces Trade Mitigation Solicitation for Fresh Apples**

On July 10, 2019, the USDA Agricultural Marketing Service (AMS) issued a solicitation for fresh apples as part of the Trade Mitigation program, which is aimed at assisting farmers

suffering from market damage caused by the ongoing trade disputes. The solicitation is for up to one million 40-pound cartons. Bids are due on Tuesday, July 23 at 1 p.m. Central Daylight Time. *USApple Member Alert, July 10, 2019*

### **President Signs Disaster Aid Bill**

A disaster-relief package that aims to help farmers and rural communities recover from catastrophic weather events in 2018 and 2019 is now law. President Donald Trump recently signed the legislation following its passage by Congress.

The \$19.1 billion package provides an extra \$3 billion in farm disaster assistance for USDA to help farmers offset crop losses. Other highlights include \$150 million in grants to develop essential community facilities in rural areas, \$558 million in conservation funding to help farmers rehabilitate farmland after natural disasters and \$435 million for emergency watershed work.

Pennsylvania farmers could potentially see some benefits from the package, as 2018's heavy rain and flooding was declared a disaster throughout most of the state. However, it will be up to USDA to determine how funding is distributed if the bill is adopted.

See a detailed analysis of the package at <https://www.fb.org/market-intel/what-to-expect-in-the-new-disaster-aid-package>.

### **Farmers Urge USMCA Approval**

Farm organizations are urging Congress to ratify the U.S.-Mexico-Canada Agreement. The proposed trade pact would replace the North American Free Trade Agreement, better known as NAFTA. Member nations reached agreement on USMCA last year, but the deal must now be ratified by Congress as well as Canada's and Mexico's legislatures.

The call came as several potential hurdles for approving the trade deal were removed. President Donald Trump in June called off an earlier threat to impose an escalating tariff on all imports from Mexico, saying he and Mexican officials have reached an agreement on curbing illegal immigration over the southern border. That removed what members of Congress warned could have been a major stumbling block in winning support for USMCA in Congress. The administration also lifted tariffs that had been imposed on steel and aluminum imports from Canada and Mexico, clearing another potential roadblock for USMCA.

Pennsylvania Farm Bureau recently joined more than 900 food and agriculture companies and associations in urging congressional leaders in a letter to move quickly to ratify the agreement. The groups noted that U.S. food and agricultural exports to Canada and Mexico more than quadrupled under NAFTA.

"NAFTA has significantly helped create a reliable, high-quality supply of food products for U.S. consumers, while supporting more than 900,000 American jobs in food and agriculture and related sectors of the economy," the groups wrote. "USMCA builds on the success of the NAFTA agreement, and will ultimately lead to freer markets and fairer trade."

## **State Budget Provides Important Boost to Agriculture**

Programs important to Pennsylvania farmers get a boost in the recently adopted 2019-2020 state budget. Gov. Tom Wolf signed the \$34 billion spending plan in June, following its recent passage by the General Assembly. The budget includes a nearly \$19.5 million boost to funding for agriculture programs, an increase of more than 12 percent over the 2018-2019 budget.

Much of the increase is due to new programs and additional funding called for in the 'PA Farm Bill' legislative package. The budget also includes 2 percent funding increases for Penn State Cooperative Extension and the school's agricultural research as well as the University of Pennsylvania School of Veterinary Medicine. Penn State and Penn Vet programs play a crucial role helping farmers improve their operations, better care for their land and animals and produce safe, quality food for consumers.

Pennsylvania Farm Bureau applauded the plan, noting that it makes much-needed investments in agriculture at a time when farmers are contending with a struggling farm economy, international trade dispute and extreme wet weather. It was among numerous measures to clear the General Assembly in June that will benefit agriculture.

"We believe the heavy focus on agriculture this year is a recognition by the General Assembly and the Governor that a prosperous farming community is essential to the economic health of rural communities and the state's economy," PFB President Rick Ebert said. "The new programs and increased funding for other programs come at a time when many farmers have struggled to stay in business after five consecutive years of depressed prices."

## **'PA Farm Bill' Signed into Law**

A legislative package that aims to revitalize Pennsylvania agriculture and bring new opportunities for farmers is now law. Gov. Tom Wolf—who championed the proposal referred to as the "PA Farm Bill"—recently signed the multi-bill package following its passage by the General Assembly.

The bills aim to bolster the state's agriculture sector by: expanding conservation programs, establishing farm-to-school grants, allocating funding for the state to quickly react to agriculture emergencies such as the spotted lanternfly or avian influenza, funding youth programs that promote development in agriculture, establish block grants to encourage farming of high-priority crops, expanding farms' access to meat processing, bolstering the Homegrown by Heroes Program for veteran farmers, creating a center to help farmers with business and succession planning, and establishing low interest loans for conservation practices.

## **Proposed Sunday Hunting Expansion Limited to Three Days**

State senators recently passed an amended version of a bill to expand Sunday hunting in Pennsylvania that would limit the expansion to three Sundays.

Previous versions of the measure, Senate Bill 147, had called for giving the Pennsylvania Game Commission full authority to establish Sunday hunting rules. With the amendment, the expansion would include three Sundays: One during deer rifle season, one during statewide deer archery season and one at a time determined by the Game Commission.

The measure, which now heads to the state House for consideration, would also strengthen hunting-related trespass laws to make violations a primary offense with tougher penalties.

### **Beginning Farmer Bill Signed**

A proposal that aims to help the next generation of Pennsylvania farmers get established has crossed the finish line. Gov. Tom Wolf signed Senate Bill 478 in early July, following its passage by the General Assembly.

Pennsylvania Farm Bureau worked with state Sen. Elder Vogel of Beaver County to introduce the legislation, which establishes an income tax credit for landowners who lease or sell land, buildings and/or equipment to beginning farmers.

The bill allows for a one-time tax credit for property sold to a beginning farmer or a multi-year credit for property leased. The tax credit could be used to aid in family transitions—such as sales from a parent or grandparent to a child or grandchild—or to help an unrelated beginning farmer. The bill outlines criteria defining who is a beginning farmer, excluding individuals who have been engaged in farming for more than 10 years.

For every four farmers in Pennsylvania that are age 65 or older, there is only one farmer under the age of 35. PFB believes that helping young farmers pick up the reins and get established is critical to continuing Pennsylvania's agricultural legacy. And with no neighboring states offering such a program, PFB believes a tax incentive in Pennsylvania could make the state a regional leader in agriculture.

### **Ag Security Law Updated**

A bill to update the state's Agricultural Area Security Law to clarify how landowners may want to handle the need for additional farm residences when preserving their farm has been signed into law. Gov. Tom Wolf recently signed House Bill 370, following its passage by the General Assembly.

Previously, state law allowed for the creation of one additional farmstead residence on preserved farms. The bill, sponsored by Rep. Kate Klunk of York County, gives farmers the option to waive this right for an additional farmstead in order to reduce the value of their land.

Additionally, the change clarifies that preserved farm owners can subdivide their land for a second residence, whether it is standing or needs to be constructed. State law previously allowed for subdivision only when another farmhouse is going to be constructed, not for one that is standing.

### **State House Committee Approves Bill to Limit Liability for Agritourism**

A bill that would protect agritourism operators from frivolous lawsuits has cleared its first hurdle in the state House. The House Agriculture and Rural Affairs Committee voted 24-0 to send House Bill 1348, sponsored by Rep. Barb Gleim of Cumberland County, to the full chamber for consideration.

The measure would provide limited civil liability for farmers who operate agritourism operations, protecting them from lawsuits over injuries that occur as a result of common farm hazards. Agritourism operators would have to post multiple warning signs and provide written notification of risks to participants.

The measure would not bar cases from going to court in instances where the farmer has been found to have acted with a willful disregard for public safety. However, it would offer protection from lawsuits over mishaps due to common risks of being on a farm and not because of bad actions on the part of the landowner. Similar laws are on the books in 26 other states.

### **New Penn State Extension Director Named**

Penn State has named Brent Hales as the new director of Penn State Cooperative Extension. Hales, who starts Sept. 3, will also serve as associate dean in the College of Agricultural Sciences.

"We are delighted to have Brent Hales assume the direction of Penn State Extension and join the college's leadership team," said Rick Roush, dean of the College of Agricultural Sciences. "Dr. Hales comes with an outstanding track record of innovation, and his academic and administrative expertise will be assets in guiding the ongoing implementation of new extension program-delivery and business models."

Hale currently serves as senior associate dean and chief financial officer for the University of Minnesota Extension, where he has served in various roles since 2012. Before coming to University of Minnesota, Hale directed University of Southern Mississippi's Center for Economic Entrepreneurship and Education, where he created an award-winning small business development program for high school students, was a faculty member at Delta State University, where he directed the Center for Economic and Community Development and the Center for Business and Entrepreneurial Research.

Hales received bachelor's and master's degrees in sociology from Brigham Young University and Middle Tennessee State University and a doctorate in rural sociology from Iowa State University.