

AG ISSUES UPDATE

Edited by Brad Hollabaugh
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USApple Submits Comments on Proposed H-2A Reforms

On September 24, USApple submitted comments on the proposed reforms to the H-2A agricultural visa program. The reforms proposed by the Department of Labor (DOL) are the result of nearly two years of information gathering and discussions amongst Trump Administration officials and stakeholders, including USApple.

USApple's comments were shared with key industry leaders before they were submitted and reflect feedback gathered through the Government Affairs Committee and at the DOL briefing that we hosted at our Outlook Conference in Chicago. The proposal includes many changes supported by USApple and, if implemented, should result in cost and time savings for users.

There are also areas such as wages where USApple is calling on the Administration to go further in their reforms. Also, in the "good news" department, last week the DOL issued the final rule that shifts the H-2A advertising requirements from print to electronic. USApple has advocated for this needed modernization for years and is pleased to see it is now being implemented. The change takes effect on October 21. *(USApple Member Alert, 9/25/2019)*

USDA Amends Fuji Grading Standard

Effective October 31, 2019, USDA's Agricultural Marketing Service (AMS) has amended the U.S. Standards for Grades of Apples by removing smooth net-like russeting as a grade-determining factor in the U.S. Extra Fancy, U.S. Fancy, and U.S. No. 1 grades for Fuji apples. AMS is also removing obsolete references to the location where color standards may be examined and purchased. The changes modernize the standards and meet consumer demand by providing greater marketing flexibility.

The modernizing of the Fuji related standard was necessary to maintain uniformity between Washington State and federal standards regarding the grading treatment of smooth net-like russeting (commonly referred to as "flecking"). The effect of the old standard was to serve as a potential barrier to the export of Fuji apples. In April of 2018, the Northwest Horticultural Council petitioned AMS to update the standard in order to harmonize federal and state standards and remove the barrier to the export market that the old language created. USApple submitted comments to AMS in support of the NHC petition.

The final rule has been published in the Federal Register. *(USApple, Apple Bites - 10.2.19)*

U.S., China Ease Tariffs Ahead of Trade Talks

As they prepare for another round of trade negotiations, the U.S. and China are taking steps to ease tensions in the trade war that has roiled agricultural commodity prices during an already difficult farm economy.

Last month, President Donald Trump's administration announced that it would delay imposing its next round of tariffs on Chinese imports until mid-October. China, in return, temporarily exempted some U.S. imports from tariffs and said it plans to suspend its increased tariffs on pork, soybeans and some other U.S. farm products. The U.S. followed suit, temporarily exempting more than 400 types of Chinese products from tariffs that were imposed last year.

The shift in tone comes as welcomed news to farmers who have struggled as the trade war put up hurdles to accessing an important export market.

New CRISPR Technology May Offer Solutions to Crop Diseases

Whether pests or diseases are reducing the wheat harvest in the U.S or the rice crop is succumbing to bacterial blight in other parts of the world, the new CRISPR technology may be able to provide solutions.

Scientists can now edit certain genes that will improve the disease fighting capability of plants for wheat, rice and a host of other agronomic and horticultural crops. Other CRISPR research projects include experimenting with removing gluten from wheat to make it safe to eat for people with celiac disease and producing tomato plants with fewer branches for easier harvesting.

Currently, USDA does not regulate crops developed through CRISPR technology since no foreign genetic material has been introduced. The U.S. Food and Drug Administration will oversee the final food products to assure that they are safe for consumers. The success of CRISPR will depend on public and regulatory acceptance.

Fresh Start on Clean Water Rules

The U.S. Environmental Protection Agency and Army Corps of Engineers are undoing the controversial 2015 Waters of the U.S. rule as they work to finalize a replacement that more clearly defines which waterways fall under the jurisdiction of federal regulators. The agencies announced the move last week, which will take 60 days to go into effect once it is officially published. The administration plans to finalize a replacement clean water regulation this winter.

Farm Bureau and other opponents believe the 2015 rule was overly broad and confusing and would have subjected nearly all Pennsylvania farmland to federal water regulations. "Pennsylvania farmers share the goal of protecting waterways in Pennsylvania and across the United States, but the 2015 WOTUS rule provided unprecedented regulatory authority to government agencies far beyond what Congress intended under the Clean Water Act," said Pennsylvania Farm Bureau President Rick Ebert.

"The rule, which would have vastly increased the amount of farmland subject to oversight, was never truly implemented nationwide, because it was struck down by multiple court rulings, which determined the rule to be illegal."

Though a significant victory, the latest development is not the end of the fight for a clearer clean water rule as supporters of the 2015 WOTUS rule are likely to challenge its revocation in court.

New Website Provides Education on Crop Insurance

National Crop Insurance Services has launched a new website to provide updated information on crop insurance, including fact sheets, a video and glossary of common terms.

The site provides education to the public and policymakers on the importance of crop insurance for providing a safety net that protects farmers from a disaster that impacts agricultural production. Crop insurance provides a level of economic security and safeguards the U.S. food and fiber supply.

The new website address is www.CropInsurance101.org.

Farmers Call for Reforms at NRCS

The American Farm Bureau Federation is calling for the U.S. Department of Agriculture to enact reforms within its Natural Resources Conservation Service after a scathing federal court ruling found that the agency committed an “abuse of discretion” in denying due process to farmers who sought to challenge unfounded accusations against them.

In a letter to USDA Secretary Sonny Perdue, AFBF President Zippy Duvall outlined major reforms he said are needed to ensure that farmers are treated fairly by NRCS staff and have an opportunity to contest alleged compliance violations that they believe to be unfounded. The federal court ruling found that NRCS “repeatedly failed to follow applicable law and agency standards” in its treatment of Indiana farmers David and Rita Boucher as they attempted for 17 years to appeal a wrongful compliance violation.

NRCS demanded that the Bouchers plant 300 trees per acre after they removed nine trees on 2.8 acres. The court found NRCS wrongfully accused the Buchers of harming a non-existent wetland on their property and then repeatedly ignored evidence to the contrary. The NRCS judgment against the farm made the Bouchers ineligible for loans and crop insurance they needed to remain in operation.

Duvall said that the Bouchers’ case is not unique and that Farm Bureau members have reported similar mistreatment by NRCS spanning multiple presidential administrations. He said mistreatment of the Boucher’s has spanned the Bush, Obama and Trump administrations.

“USDA should resist the temptation to characterize these decisions from federal courts as outliers,” Duvall wrote. “In reality, affected farmers typically have been unable to challenge the agency’s decisions because they simply cannot afford to lose eligibility or the costs of a fruitless appeal.”

DEP Chief: Pennsylvania, Farmers Doing Their Part to Improve Chesapeake Bay

Pennsylvania plans to implement measures to improve water quality on more acres of farmland than any other state in the Chesapeake Bay Watershed over the next six years. And despite the challenges in doing so, state Department of Environmental Protection Secretary Patrick McDonnell said, Pennsylvania remains committed to both improving water quality at the local level and meeting its federally-prescribed goals for reducing nutrient pollution in the Chesapeake Bay.

“With 33,000 farms and over 200 municipalities with NPDES (National Pollutant Discharge Elimination System) permitting obligations in Pennsylvania’s portion of the Bay watershed, Pennsylvania is tackling an enormous challenge to reduce nonpoint source nutrient and sediment levels in our streams and rivers on multiple fronts,” McDonnell wrote in a July letter to his counterpart in Maryland, Ben Grumbles. “Despite these challenges, Pennsylvania is resolute in our commitment to making real progress in reducing pollution and improving the health of the watershed and the Bay by 2025.”

McDonnell’s comments came in response to criticism of Pennsylvania’s draft Phase 3 Watershed Implementation Plan (or WIP), which describes how the state will meet pollution-reduction goals by 2025. Critics, including the Chesapeake Bay Foundation and Maryland Gov. Larry Hogan, have called Pennsylvania’s plan inadequate.

But McDonnell said, those criticisms fail to recognize the enormous scale of conservation measures called for in Pennsylvania’s plan, especially compared with what other bay states plan to do over the same time period.

Pennsylvania’s draft Phase 3 WIP calls implementing more soil conservation and water quality plans, tillage management, cover crops and forested buffers through 2025 than all of the other bay states combined are planning to implement. Pennsylvania is second only to Virginia in planned expansion of grass buffers but is planning to add more than all the other bay states, except Virginia, combined.

McDonnell noted that Pennsylvania has sought to develop a Phase 3 WIP that is realistic and able to be implemented by working collaboratively with stakeholders. And the plan takes a bottoms-up approach, in which the state will work with each county in the watershed to develop an action plan tailored to its needs and circumstances.

McDonnell acknowledged that securing resources to verify implementation of conservation practices remains a challenge, as it does for other bay states. He said the Bay Program Partnership must streamline its requirements to ease the burden on states and free up more resources for implementing conservation practices.

And he said, Pennsylvania would welcome a discussion on how the economic benefits of improving the bay can be shared by states, such as Pennsylvania, that are investing in conservation measures but won’t see those benefits directly.

Pennsylvania Farmers Eligible for Disaster Aid, Emergency Loans

Farmers in 39 Pennsylvania counties who were affected by flooding that occurred in 2018 can apply for disaster relief payments through the disaster relief package Congress passed earlier this year.

Sign-up is also open for emergency loans available to farmers in seven northeast Pennsylvania counties who experienced crop losses as a result excessive rainfall and flash flooding last growing season. More than \$3 billion in disaster payments is available nationwide through the U.S. Department of Agriculture's Wildfire and Hurricane Indemnity Program. The funding comes from a congressional disaster relief package that Farm Bureau supported and advocated for.

Farmers can apply for payments to cover up to 70 to 95 percent of the expected value of eligible crops they lost as a result of the flooding. Payments vary by a variety of factors, including the degree of the loss and the level of crop insurance coverage, if any. Farmers in the following Pennsylvania counties are eligible to apply: Adams, Blair, Bradford, Cambria, Cameron, Centre, Clearfield, Clinton, Columbia, Crawford, Elk, Erie, Fayette, Franklin, Fulton, Green, Huntingdon, Indiana, Jefferson, Lackawanna, Lancaster, Lebanon, Luzerne, Lycoming, McKean, Montour, Northampton, Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Washington, Wayne, Westmoreland, Wyoming, and York.

The emergency loans are now available to farmers in Lackawanna, Luzerne, Monroe, Pike, Susquehanna, Wayne, and Wyoming counties. The disaster declaration covers losses caused by excessive rainfall and flooding from July 2018 through February 2019.

Learn more about both programs at www.farmers.gov/recover and apply by contacting your local USDA Service Center. Find your local service center at www.farmers.com/service-center-locator.

Sunday Hunting Push in Limbo After Hearing

Pennsylvania Farm Bureau reaffirmed its members' opposition to the current version of a bill to expand Sunday hunting in Pennsylvania during an informational hearing last month before the House Game and Fisheries Committee.

Darrin Youker, PFB's Director of State Government Affairs, told the panel that while members oppose Senate Bill 147 as is, PFB would take a neutral stance if the legislation is amended to require hunters to obtain written permission to hunt on private property on Sundays.

Voting delegates at PFB's Annual Meeting last year reaffirmed opposition to expanding Sunday hunting; but they also established a set of criteria under which PFB could be neutral on a Sunday hunting bill. Senate Bill 147 meets two of those conditions- strengthening trespass laws and limiting the expansion to three days. Written permission, which the bill does not address, is the final condition.

Bills to Support Broadband Expansion Advance

A pair of bills that would take an important step towards expanding rural Pennsylvanians' access to high-speed internet, or broadband, have moved forward in the General Assembly. The Senate State Government Committee recently voted to send Senate Bill 470 and House Bill 305 to the full chamber for consideration.

The bills—sponsored by state Sen. Kristen Phillips Hill of York County and state Rep. Pam Snyder of Greene County—would require the Department of General Services to determine which state-owned assets could host broadband technology.

Access to high-speed internet is becoming increasingly important in agriculture and daily life but many rural Pennsylvanians lack adequate access. While bridging the broadband divide between rural and urban areas will require a multi-faceted approach, Senate Bill 470 and House Bill 305 are an important piece of that puzzle.

The bill cleared the Senate last spring. It faces an uncertain future in the House after last week's hearing, during which several legislators rebuked a Sunday hunting supporter's comments attacking PFB and other opponents of the bill.

Survey Will Help Researchers Study Insect-Transmitted Diseases

Penn State researchers need your help as they study how to better educate the public about diseases that are transmitted by ticks and mosquitoes, such as Lyme disease.

Pennsylvania ranks among the top three states with the highest rates of tick-borne disease. In 2017 Pennsylvania had the highest incidence of Lyme disease cases in the U.S., with 9,250 confirmed cases and an additional 2,650 probable cases, according to the Centers for Disease Control.

Penn State Extension has established a team of experts to help Pennsylvania address the serious threat of vector-borne diseases, particularly those transmitted by ticks and mosquitoes. They are reaching out to Pennsylvanians to gather information to help inform their work through an anonymous, online survey.

Please take the time to complete this survey so that researchers can better understand what the public knows about vector-borne diseases and how they can better target educational efforts.

The survey is available at: <https://extension.psu.edu/tickborne-survey>.

Help Tell Agriculture's Story During Ag Literacy Week

The Pennsylvania Friends of Agriculture Foundation is looking for volunteer readers to help connect students to agriculture and where their food comes from.

Plan now to join us for the Fourth Annual Pennsylvania Ag Literacy Week **March 16-20, 2020**. Volunteers will visit classrooms across the state to read this year's book, "On the

Farm, At the Market,” to students and lead a hands-on activity. Volunteer readers are asked to make a \$10 donation per classroom to cover the cost of the book to be read and donated to the class. To get involved:

1. Contact your local school to request to read to a kindergarten through second-grade classroom.
2. Collect classroom information (school, teacher name, teacher email, grade, number of students).
3. **Register online by Dec. 13.**

Learn more and register at www.pfb.com/agliteracy. For questions, contact the foundation via email at alw@pfb.com.