

## **AG ISSUES UPDATE**

**Edited by Brad Hollabaugh**  
**November 2019**

### **Bi-Partisan Agricultural Labor Bill Introduced in House**

At the end of October, the bipartisan Farm Workforce Modernization Act (FWMA) HR 4916 was introduced in the House of Representatives with 20 original Republican sponsors and 24 Democrats. The legislation marks the culmination of six months of negotiation between the United Farm Workers, grower groups including USApple and key House Members led by Zoe Lofgren (D-Calif) and Dan Newhouse (R-Wash).

The FWMA streamlines and modernizes the H-2A guestworker program. Importantly, it contains costs by freezing wages at the 2019 level for one year and then capping future increases at no more than 3.25 percent. H-2A wages have been increasing about 7 percent per year with some states seeing increases in the 10 percent to 20 percent range.

The legislation stabilizes the current agricultural workforce by creating a process for experienced workers to gain work authorization to continue working in agriculture. The FWMA is in line with the policy positions of USApple as adopted by our Government Affairs Committee and Board of Directors.

We strongly support this process moving forward and as a first step, apple leaders traveled to DC this week to urge their Members of Congress to sponsor the bill. The apple leaders were joined in this effort by representatives of dairy, mushrooms, nursery landscape and others. A support letter with more than 200 agricultural groups was sent to House leadership yesterday in conjunction with the introduction.

In addition, many who could not travel to DC, emailed or tweeted their Members of Congress through our website. If you have not yet weighed in, please do so. It only takes a minute but can make a big difference as offices weigh the voice of constituents against the emails and calls they will surely receive from anti-immigration groups. ***Apple Bites - 10.31.19***

### **USMCA**

Jim Bair, President & CEO of USApple participated in a White House conference call recently to be updated on efforts to secure Congressional ratification of the US-Mexico-Canada free (USMCA) trade agreement to replace NAFTA. Leading the discussion from President Trump's staff were Ambassador C.J. Mahoney, Deputy U.S. Trade Representative and Tim Pataki, Director of Public Liaison.

The officials reiterated their desire to get USMCA passed by the end of the year. Nearly half a billion dollars in annual U.S. apple exports are at stake in retaining free trade across North America. ***Apple Bites - 11.13.19***

### **Ask Congress to Support USMCA**

It's now up to Congress to ratify the proposed U.S.-Mexico-Canada Agreement and it's vital that members hear directly from farmers how critical approval of this trade deal is to Pennsylvania agriculture.

The agreement, which replaces the North American Free Trade Agreement (NAFTA), would increase agricultural and food exports to Mexico and Canada by \$2.2 billion annually and expand farmers' access to North American markets. It would also expand U.S. dairy farmers' access to protected markets in Canada.

Uncertainty over trade has been damaging to U.S. agriculture during an already difficult farm economy. Finalizing the USMCA would provide greater certainty that Pennsylvania farmers will have access to important foreign markets.

Please tell your representative and Pennsylvania's senators how important the USMCA is to our state's largest industry by responding to Pennsylvania Farm Bureau's Action Alert at [www.pfb.com/ActNow](http://www.pfb.com/ActNow).

### **FSA Disaster Program For Fruit (WHIP+)**

WASHINGTON, D.C., Sept. 9, 2019 – U.S. Secretary of Agriculture Sonny Perdue today announced that agricultural producers affected by natural disasters in 2018 and 2019, including Hurricane Dorian, can apply for assistance through the Wildfire and Hurricane Indemnity Program Plus (WHIP+). Signup for this U.S. Department of Agriculture (USDA) program will begin Sept. 11, 2019.

More than \$3 billion is available through the disaster relief package passed by Congress and signed by President Trump in early June. WHIP+ builds on the successes of its predecessor program the 2017 Wildfire and Hurricane Indemnity Program (2017 WHIP) that was authorized by the Bipartisan Budget Act of 2018.

In addition, the relief package included new programs to cover losses for milk dumped or removed from the commercial market and losses of eligible farm stored commodities due to eligible disaster events in 2018 and 2019. Also, prevented planting supplemental disaster payments will provide support to producers who were prevented from planting eligible crops for the 2019 crop year.

### Eligibility

WHIP+ will be available for eligible producers who have suffered eligible losses of certain crops, **trees, bushes or vines** in counties with a Presidential Emergency Disaster Declaration or a Secretarial Disaster Designation (primary counties only). Disaster losses must have been a result of hurricanes, floods, tornadoes, typhoons, volcanic activity, snowstorms or wildfires that occurred in 2018 or 2019. Also, producers in counties that did not receive a disaster declaration or designation may still apply for WHIP+ but must provide supporting documentation to establish that the crops were directly affected by a qualifying disaster loss.

A list of counties that received qualifying disaster declarations and designations is available at [farmers.gov/recover/whip-plus](http://farmers.gov/recover/whip-plus). Because grazing and livestock losses, other than milk losses, are covered by other disaster recovery programs offered through USDA's Farm Service Agency (FSA), those losses are not eligible for WHIP+.

### General Eligibility and Payment Limitations

WHIP+ is only designed to provide assistance for production losses, however, if quality was taken into consideration under federal crop insurance or the Noninsured Crop Disaster Assistance Program (NAP) policy, where production was further adjusted, the adjusted production will be used in calculating assistance under this program.

Eligible crops include those for which federal crop insurance or NAP coverage is available, excluding crops intended for grazing. A list of crops covered by crop insurance is available through USDA's Risk Management Agency (RMA) Actuarial Information Browser at [webapp.rma.usda.gov/apps/actuarialinformationbrowser](http://webapp.rma.usda.gov/apps/actuarialinformationbrowser).

Eligibility will be determined for each producer based on the size of the loss and the level of insurance coverage elected by the producer. A WHIP+ factor will be determined for each crop based on a producer's coverage level. Producers who elected higher coverage levels will receive a higher WHIP+ factor.

The WHIP+ payment factor ranges from 75 percent to 95 percent, depending on the level of crop insurance coverage or NAP coverage that a producer obtained for the crop. Producers who did not insure their crops in 2018 or 2019 will receive 70 percent of the expected value of the crop. Insured crops (either crop insurance or NAP coverage) will receive between 75 percent and 95 percent of expected value; those who purchased the highest levels of coverage will receive 95-percent of the expected value.

Once signup begins, a producer will be asked to provide verifiable and reliable production records. If a producer is unable to provide production records, WHIP+ payments will be determined based on the lower of either the actual loss certified by the producer and determined acceptable by FSA or the county expected yield and county disaster yield. The county disaster yield is the production that a producer would have been expected to make based on the eligible disaster conditions in the county.

WHIP+ payments for 2018 disasters will be eligible for 100 percent of their calculated value. WHIP+ payments for 2019 disasters will be limited to an initial 50 percent of their calculated value, with an opportunity to receive up to the remaining 50 percent after January 1, 2020, if sufficient funding remains.

WHIP+ benefits will be subject to a payment limitation of either \$125,000 or \$250,000 per crop year, depending upon their verified average adjusted gross income. As under 2017 WHIP, the payment limitation for WHIP+ factors in the person's or legal entity's income from activities related to farming, ranching, or forestry. Specifically, a person or legal entity, other than a joint venture or general partnership, cannot receive more than \$125,000 in payments under WHIP+, if their average adjusted gross farm income is less than 75 percent of their average adjusted gross income (AGI) for 2015, 2016, and 2017.

The \$125,000 payment limitation is single total combined limitation for payments for the 2018, 2019, and 2020 crop years. However, if at least 75 percent of the person or legal entity's average AGI is derived from farming, ranching, or forestry related activities and the participant provides the required certification and documentation, the person or legal entity, other than a joint venture or general partnership, is eligible to receive, directly or indirectly, up to \$250,000 per crop year in WHIP+ payments, with a total combined limitation for payments for the 2018, 2019, and 2020 crop years of \$500,000.

The relevant tax years for establishing a producer's AGI and percentage derived from farming, ranching, or forestry related activities for WHIP+ are 2015, 2016, and 2017. For information regarding the payment limitation that applies to WHIP+, please contact your local USDA service center or visit [farmers.gov/recover](http://farmers.gov/recover).

### Future Insurance Coverage Requirements

Both insured and uninsured producers are eligible to apply for WHIP+. But all producers receiving WHIP+ payments will be required to purchase crop insurance or NAP, at the 60 percent coverage level or higher, for the next two available, consecutive crop years after the crop year for which WHIP+ payments were paid. Producers who fail to purchase crop insurance for the next two applicable, consecutive years will be required to pay back the WHIP+ payment.

### Additional Loss Coverage

The Milk Loss Program will provide payments to eligible dairy operations for milk that was dumped or removed without compensation from the commercial milk market because of a qualifying 2018 and 2019 natural disaster. Producers who suffered losses of harvested commodities, including hay, stored in on-farm structures in 2018 and 2019 will receive assistance through the On-Farm Storage Loss Program.

Additionally, the disaster relief measure expanded coverage of the 2017 WHIP to include losses from Tropical Storm Cindy, and **peach and blueberry crop** losses that resulted from extreme cold.

### Enhanced Assistance Through Tree Assistance Program (TAP)

TAP traditionally provides cost-share for replanting and rehabilitating eligible trees. WHIP+ will provide payments based on the loss of value of the tree, bush or vine itself. Therefore, eligible producers may receive both a TAP and a 2017 WHIP or WHIP+ payment for the same acreage. In addition, TAP policy has been updated to assist eligible orchardists or nursery tree growers of pecan trees with a tree mortality rate that exceeds 7.5 percent (adjusted for normal mortality) but is less than 15 percent (adjusted for normal mortality) for losses incurred during 2018.

For more information on FSA disaster assistance programs, please contact your local USDA service center or visit [farmers.gov/recover](http://farmers.gov/recover). For all available USDA disaster assistance programs, go to USDA's disaster resources website. *Callihan M. Dice, County Executive Director/DAFO Detail, Adams County Farm Service Agency*

### **U.S.-China Agree to Ease Back Trade Dispute**

A ceasefire could be imminent in the U.S.-China trade war that has inflicted financial strain on American farmers. President Donald Trump's administration has reached a tentative agreement with China to forgo planned tariff increases on Chinese imports in exchange for China buying more U.S. agricultural goods.

The deal is not yet finalized, and questions remain over how much U.S. agricultural products China will buy and whether those purchases will be tied to the U.S. removing tariffs that are already in place on Chinese imports. Trump had indicated that he and China planned to sign the agreement this month. If finalized, the agreement is intended to serve as "Phase One" of a larger trade pact that the administration and China will continue to negotiate.

An increase in Chinese purchases of American agricultural products would be a welcomed relief for U.S. farmers, who have suffered the brunt of ongoing trade strife between the U.S. and China. China still has retaliatory tariffs in place on pork, soybeans and other items, which have hurt exports and commodity prices amid an already difficult farm economy.

### **U.S. Reaches Trade Deal with Japan**

American farmers stand to benefit from a new trade deal between the U.S. and Japan. The two nations have finished negotiations over an agreement that would reduce tariffs on U.S. agricultural goods imported by Japan.

American Farm Bureau Federation President Zippy Duvall called the deal a “positive step” for farmers. “Japan is American agriculture’s fourth-largest export destination and vital to the livelihood of hundreds of thousands of farms and the families who live on them,” Duvall said. “We export nearly \$13 billion a year in agricultural products to Japan, even as we continue to face steep tariffs on many exports.”

Under the proposed deal, Japan would treat many U.S. agricultural imports as it does goods from the European Union and its partner nations in the Trans-Pacific Partnership, enabling U.S. farmers to compete on a level playing field for access to the Japanese market.

The Japanese Parliament is expected to approve the deal later this fall, allowing it to take effect as early as Jan. 1. Congress does not need to approve the deal as it does not involve substantive changes to U.S. law.

### **Adams County Farmer Highlights Digital Divide**

Inadequate access to high-speed internet in rural areas is increasingly becoming a barrier to farmers being able to make their operations more efficient, Adams County farmer Brock Widerman told a congressional subcommittee recently.

Widerman highlighted challenges that farmers face taking advantage of new technology during a hearing in Adams County by the House Committee of Small Business’s Rural Development, Agriculture, Trade and Entrepreneurship Subcommittee. He noted that broadband access is becoming increasingly vital not only to farming but also to business and daily life.

“Given the recent financial challenges of the farm economy, we must utilize all the tools available to agriculture—especially broadband technology,” he said. “In fact, USDA found that if access to broadband and adoption of digital agricultural technology matched demand, U.S. agriculture would realize benefits amounting to \$64.5 billion annually.”

### **Act Now: Ask Congress to Support Better Broadband Maps**

Please help Farm Bureau address an important issue that affects almost every aspect of agriculture and rural living: the lack of high-speed internet access in many rural areas. High speed internet, or broadband, is crucial to conducting business and taking advantage of technology that enables farmers to farm more efficiently and conserve natural resources.

It’s also an important tool for engaging in many other aspects of modern life, such as education and health care. But at least 18 percent of rural Pennsylvanians lack access to internet service or only have low-speed options.

While there are resources available to expand broadband access, the federal government does not have accurate data on where service does and does not exist. A recent study found that the Federal Communication Commission’s broadband coverage maps woefully underrepresented the lack of broadband access in rural Pennsylvania. In fact, the study found there are no Pennsylvania counties in which at least half the population received internet speeds fast enough to be considered broadband, even though the FCC coverage maps show 100 percent broadband availability in the state.

Congress is considering a bill that would modernize how the federal government collects data on broadband access. This is a crucial first step in expanding access to high-speed internet because the

federal government cannot allocate resources appropriately without accurate data on where those resources are most needed.

Please ask your representative in Congress to support the Broadband Improvement Act by responding to PFB's Action Alert at [www.pfb.com/ActNow](http://www.pfb.com/ActNow).

### **USDA Initiates Investments to Improve Broadband Service**

USDA has announced an investment of \$152 million in 14 states, including Pennsylvania, to improve rural broadband service. The money is earmarked to provide high-speed broadband internet connectivity in rural areas for residents to have access to internet speeds that drive precision agriculture applications and provide access to health information, business opportunities, markets, social networking and educational events.

Programs under USDA Rural Development offer financial assistance in the form of grants to broadband service providers that will construct, improve, or expand broadband networks in rural areas. Additional assistance will also be available in the form of loans and loan guarantee programs.

### **Penn State Receives Grant to Research Spotted Lanternfly**

Penn State has been awarded with \$7.3 million grant by USDA's National Institute of Food and Agriculture in collaboration with matching investments from growers and landowners who are working with researchers on management tactics to reduce losses to agricultural crops and hardwoods from the spotted lanternfly.

The research effort will focus on biological controls as the conduit for long-term solutions. The spotted lanternfly causes extensive damage on grapes, hardwood trees, fruit trees and nursery stock, valued at \$18 billion in Pennsylvania.

### **House Passes Revised Sunday Hunting Bill**

Legislation that allows for a limited expansion of Sunday hunting in Pennsylvania is a step closer to becoming law. The state House voted 144 to 54 in favor of Senate Bill 147. The legislation will need to return to the Senate for another vote because changes have been made in the House.

Voting delegates at PFB's 68th Annual Meeting last year re-affirmed that PFB does not support Sunday hunting but outlined a set of criteria under which the organization could be neutral on a Sunday hunting bill. That criteria includes: Limiting the expansion to three Sundays, strengthening trespass laws and requiring hunters to obtain prior written permission from private landowners when hunting on Sundays.

The current version of the bill limits the Sunday hunting expansion to one Sunday during deer rifle season, one Sunday during statewide deer archery season and one Sunday at a time determined by the Game Commission. It would also make hunting-related trespass violations a primary offense with tougher penalties and make it easier for the Game Commission to partner with local law enforcement to enforce trespassing laws.

If the bill is passed by the General Assembly and signed into law by the governor, the changes would not take effect for 90 days. That means the expansion would not happen this hunting season.

### **Purple Paint Bill Advances**

A bill that will make it easier for farmers and other landowners to post their land to prohibit hunting and other trespassing has cleared its first hurdle in the General Assembly.

The state House Judiciary Committee voted last month to send House Bill 1772 to the full chamber for consideration. The bill, sponsored by state Rep. Dawn Keefer of York County, would allow landowners to apply stripes of purple paint on trees or fence posts in lieu of posting “no trespassing” signs.

The paint stripes would carry the same legal weight as signs. The paint stripes must be at least eight inches long by one inch wide, between three and five feet off the ground and no more than 100 feet apart. So called “purple paint laws” are already on the books in several other states. Enacting such a law in Pennsylvania is a key legislative priority for PFB and something that grassroots advocates have been discussing with their legislators.

### **Help Keep Agritourism Viable in Pennsylvania**

Please urge your representative in Harrisburg to support legislation that would help protect farmers who engage in agritourism from frivolous lawsuits. It’s critical that members of the General Assembly hear directly from farmers why this commonsense reform is needed to protect farm families and ensure that agritourism remains a viable option for Pennsylvania farmers. House Bill 1348, sponsored by Rep. Barb Gleim, would provide protection from frivolous lawsuits to farmers who are operating agritourism activities in a safe manner.

The bill would require farmers to post multiple signs around their businesses warning visitors of the inherent risks of being on a farm, and either require participants sign a waiver or print a waiver on the back of admission tickets. More than 20 other states already have similar laws on the books.

Agritourism enables farmers to tap into the growing interest in local foods, and spending time on farms, while creating crucial secondary sources of income. Pennsylvania farmers are well positioned to take advantage of these trends, but changes in state law are needed to help give those producers better protection from lawsuits that arise out of circumstances beyond their control. Please ask your representative to support House Bill 1348 by responding to Pennsylvania Farm Bureau’s Action Alert at [www.pfb.com/ActNow](http://www.pfb.com/ActNow).

### **Bill to End Spot Assessments Clears Committee**

A bill to close a loophole that enables school districts to effectively target specific properties for property tax increases has moved forward in the General Assembly. Senate Bill 334 cleared the state Senate Urban Affairs and Housing Committee last month and can now be considered by the full chamber.

The bill, sponsored by state Sen. David Argall of Schuylkill County, aims to prevent school districts from circumventing state laws that prohibit them from raising the assessed value of a specific property in an effort to increase that property’s tax bill, a practice known as “spot assessments.”

Though spot assessments are prohibited by state law, some school districts have been able to achieve the same outcome by appealing the assessment of specific properties. The bill would limit districts’ ability to initiate assessment appeals against individual properties.

### **Voting Begins for FSA Committees**

The U.S. Department of Agriculture is mailing ballots this month for eligible farmers to vote in Farm Service Agency county committee elections.

County committees help steer FSA’s commodity support programs, conservation programs, indemnity and disaster programs, and emergency programs and eligibility. Each county committee

has three to 11 members who serve three-year terms of office, with a third up for election each year.

Producers must participate or cooperate in an FSA program to be eligible to vote. If you are eligible but did not receive a ballot, you can pick one up at your local FSA office.

Learn more at [fsa.usda.gov/elections](https://fsa.usda.gov/elections).

### **U.S. Successfully Eradicates Plum Pox Virus**

The Plum Pox Virus was first detected in Adams County Pennsylvania in 1999 in peaches, which prompted the U.S. Department of Agriculture, Penn State and the Pennsylvania Department of Agriculture to begin measures to eradicate the disease. The virus is carried by aphids that inflict the disease in peaches, plums, apricots, sweet and sour cherries and nectarines, causing unsightly fruit and premature fruit drop.

Orchards in Pennsylvania have been declared free of the virus since 2009 and USDA has announced that the Plum Pox Virus has been eradicated from the U.S., protecting \$6.3 billion of stone fruit production. The U.S. is the only known country that has eradicated the disease.

### **Help Guide Extension Leadership Programs Through Survey**

Penn State Extension is asking Pennsylvania farmers, agricultural workers and people involved in agribusinesses to complete a survey to help guide its leadership programming and resources. The online survey will take about 10 minutes to complete and focuses on leadership needs of Pennsylvania's agricultural community. Responses are confidential and no individual responses will be shared, only aggregate data.

Take the survey at [pennstate.qualtrics.com/jfe/form/SV\\_721UoVvBgqlsiAB](https://pennstate.qualtrics.com/jfe/form/SV_721UoVvBgqlsiAB).

### **Deadline Approaching to Sign Up for 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](http://www.pfb.com/agliteracy). For questions, contact the foundation via email at [alw@pfb.com](mailto:alw@pfb.com).

### **Video Contest Asks Students to Examine Future of Agriculture**

The Pennsylvania Senate is encouraging students across the state to brainstorm new ways to support farmers and encourage the next generation of farmers through a video competition. The "Talk to Your State Senator" video contest is open to Pennsylvania middle and high school students. Working individually or in groups, students may submit a video up to three-minutes long that addresses how the state can help preserve its agricultural heritage.

There will be separate contests for grades six through eight and nine through 12 and the top three winners in each age category will receive \$2,500, \$1,500 and \$1,000 respectively to be deposited directly into a 529 college savings account.

The deadline to apply is **Jan. 31**. See full contest rules and apply at **[www.legis.state.pa.us/talk-to-your-state-senator](http://www.legis.state.pa.us/talk-to-your-state-senator)**.