

AG ISSUES UPDATE
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COVID-19 Resource Site

USApple has created a COVID-19 resource site for growers, apple businesses and media. The site is continually being refreshed with information, resources, and updates on advocacy efforts.

(<https://usapple.org/covid-19-resources>) *Apple Bites* - 5.13.2020

**USDA Launches CFAP Program Providing Direct Payments to Growers Impacted by COVID
May 19, 2020**

Agriculture Secretary Sonny Perdue has announced that USDA will begin taking applications for direct payments through the Coronavirus Food Assistance Program (CFAP) starting May 26. Sec. Perdue plans to begin issuing checks the first week in June and applications will be accepted through August 28. USApple played a leadership role in crafting priorities for the produce industry that were shared with Sec. Perdue in April. In addition, we led efforts to convey tree fruit specific concerns to the Secretary and his senior staff. Producers of specialty crops are eligible for CFAP payments if their crops suffered a 5 percent-or-greater price decline between mid-January and mid-April because of the COVID-19 pandemic.

A broad coalition of agricultural groups, including USApple, argued strongly that limits on Adjusted Gross Income (AGI) should not be included in this program and that payment limitations should be higher than the \$125,000 that was initially reported as being considered. We are pleased to report that producers with at least 75 percent of their income from farming will not be subject to the AGI, and total payment limitations will be capped at \$250,000 per producer. The CARES act provides \$9.5 billion for losses due to price declines.

For eligible specialty crops, the total payment will be based on the volume of production sold between January 15 and April 15, 2020; the volume of production shipped, but unpaid; and the number of acres for which harvested production did not leave the farm or mature product destroyed or not harvested during that same time period. In addition, \$6.5 billion will be allocated to compensate producers due to on-going market disruptions.

USDA held a webinar last Thursday [May 14] to walk producers through the initial application process, which will be handled through the local Farm Services Agency (FSA). A recording of that webinar and information, as well as additional information about CFAP can be found at USDA's Farmers.gov. Applications will be processed through your local FSA. The agency has streamlined the signup process to not require an acreage report at the time of application and a USDA farm number may not be immediately needed. *USApple Update* 5.19.2020

Ag Secretary Perdue Responds to USApple

Agriculture Secretary Sonny Perdue recently sent a letter to USApple, responding to the April 24 letter sent by a coalition of 10 tree fruit grower organizations. The tree fruit coalition letter offered recommendations on how USDA could provide direct payments to tree fruit growers that are simple, reasonable and consider the unique circumstances of this industry, where COVID-19 impacts might not be fully felt for several months. Congress appropriated \$2.1 billion specifically to support specialty crop growers being impacted by the ongoing virus situation. *Apple Bites* - 5.13.2020

SBA Funds Now Available for Agriculture

On May 5, the Small Business Administration (SBA) announced it would reopen its portal to begin accepting agriculture sector applications for loan advances under the Economic Injury Disaster Loan (EIDL) program. Many agricultural groups, including USApple, pushed for expansion of the program and Congress responded by broadening the definition in the last relief package.

Funded under the Coronavirus Aid, Relief and Economic Security (CARES) Act, EIDL provides impacted small businesses with low interest loans and a \$10,000 advance which does not have to be repaid. When the SBA initially rolled out the program it narrowly defined those eligible and the majority of agriculture was left out. Additional information about EIDL, including how to apply, can be found here. *Apple Bites - 5.13.2020*

We Need Your Feedback

Congress has passed two major COVID relief bills with more expected soon. As USApple works to ensure the needs of the apple industry are addressed and that the industry can access these programs we need your help. Please share your experience, positive or negative, in applying for programs including those administered by the Small Business Administration (SBA). Examples are the Payroll Protection Program (PPP) and the Economic Injury Disaster Loan (EIDL) Program, as well as USDA commodity purchases for the newly created Farmers to Families Food box Program.

As Congress increases funding for COVID programs and potentially tweaks the way they are administered, we want to be able to provide feedback about what is and is not working. Please email USApple Senior Vice President Diane Kurrle (dkurrle@usapple.org) with any feedback. *From Apple Bites - 5.13.2020*

USMCA To Enter into Force July 1

On April 24 U.S. Trade Representative Robert Lighthizer notified Congress that Canada and Mexico have taken the measures necessary to comply with their commitments under the United States-Mexico-Canada Agreement (USMCA), and that the Agreement will enter into force on July 1, 2020.

Following that notification to Congress, the United States became the third country to notify the other Parties that it had completed its domestic procedures to implement the agreement--the final step necessary for the USMCA to enter into force. This marks the final step in locking in free trade with Mexico and Canada, the numbers one and two markets, respectively, for US apple exports. *Apple Bites 4.29.2020*

USApple Files Comment Letters with EPA on Five Crop Protection Compounds

Apple growers know that having a variety of crop protection compound choices allows for a more effective Integrated Pest Management (IPM) program. Growers have a significant stake in EPA registration decisions on crop protection compounds that are important to apple production. EPA published its "Proposed Interim Decisions for Neonicotinoids" in late January, announcing that public comments would be accepted until May 2.

USApple provided comments on five compounds: Acetamiprid, Clothianidin and Thiamethoxam, Imidacloprid and Dinotefuran. EPA has been under pressure to ban the use of neonicotinoid insecticides because of concerns on how they affect pollinators. Ironically, apple growers use certain nicotinoids as part of their Integrated Pest Management (IPM) program. In addition, they are among the few insecticides shown to be effective against the Brown Marmorated Stink Bug (BMSB) and the Spotted Lantern Fly (SLF).

The comment letters stress that "USApple has consistently supported a science based regulatory approach to crop protection chemical registration. We are concerned that the loud volume of those calling for a ban on the use of insecticides such as neonicotinoids may overrun the science-based evaluation called for under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), and could result in unintended negative consequences. *Apple Bites 4.29.2020*

USApple Risk Management Task Force Hears from USDA RMA on Apple Crop Insurance Proposals

Since 2017 many apple growers participated in meetings held by USDA's Risk Management Agency (RMA) where the Agency discussed concerns with the higher than acceptable loss ratios experienced by the apple policy in certain parts of the country. The law under which the crop insurance program operates requires that the ratio of loss payouts to premium and federal subsidy income must not exceed a 1:1 ratio. Loss payouts (indemnity payments) must not exceed the total sum of premiums paid by growers and the federal premium subsidy, which amounts to 65 percent of the total premium.

During the week of April 20, RMA staff met via webinar with members of USApple's Risk Management Task Force to obtain grower feedback to ensure that the proposed changes are feasible and meet the risk mitigation needs of apple growers. Following the discussions with Task Force members, RMA intends to refine their proposals and will hold regional meetings for all growers to discuss the proposals. RMA officials say that the provisions will not be in place until the 2022 crop year policy. *Apple Bites 4.29.2020*

USDA Apple Purchases Total \$75 Million

Since the beginning of the current fiscal year on October 1, 2019, USDA purchases of fresh apples and apple products has totaled nearly \$58 million. In addition, Trade Mitigation purchases have totaled \$17.2 million, bringing total federal purchases of apples to nearly \$75 million. Purchase by category is listed below (*From Apple Bites - 5.13.2020*):

- Fresh Apples: \$38,040,189
- Products: \$19,473,003
- TOTAL: \$57,513,192
- +FEB MITIGATION BUY: \$17,200,000
- **GRAND TOTAL: \$74,713,192**

Federal, State Administrations Move to Protect Food Supply Chain

President Donald Trump's and Gov. Tom Wolf's administrations have each taken steps to help address bottlenecks in the food supply chain by ensuring that food processing can continue. COVID-19-related closures and cutbacks at food processing operations - particularly for meat, poultry, and eggs - has resulted in bottlenecks in the supply chain, leaving many farmers without a market and consumers with fewer options at the grocery store.

Trump announced an executive order last month aimed at reopening meat packing facilities. Farm Bureau will review the proposal as more details become available.

Meanwhile, the Wolf administration has made priority COVID-19 testing available for workers throughout the food supply chain in certain regions that have been hit hard by the virus. At the same time, the state House passed House Bill 2345, introduced by Rep. Bridget Kosierowski, which would create a grant program to help food production facilities with the purchase of personal protective gear. The legislation now goes to the state Senate for consideration.

State House Passes Bill to Allow Independent Garden Centers to Reopen with Safety Precautions

Legislation that would allow independent garden centers to reopen with certain protections in place to prevent the spread of COVID-19 has advanced in the General Assembly. The state House passed House Bill 2429, sponsored by state Rep. Russ Diamond of Lebanon County, with a 133 to 69 vote last month. The measure now heads to the state Senate for consideration.

Many agriculture businesses, including those with a retail component, have been considered “life-sustaining” and have adopted the appropriate social distancing and sanitation standards. However, garden centers are one of the few agriculture businesses that have not been allowed to open, except on a case-by-case basis.

The demand for garden products has not lessened during this crisis. Gardening not only provides an option for people to grow their own food but is an activity that can be enjoyed while practicing social distancing.

While the administration has explicitly asked large retail chains to close their garden centers, many of these stores are open and continue to sell garden products, driving business from independent garden centers. PFB believes changes are needed to ensure family-owned small businesses stay financially viable while adopting practices to operate safely.

State Revenue Expected to Take Significant Hit

Pennsylvania’s proposed state budget will need a significant amount of work due to numerous anticipated revenue shortfalls coming in the wake of the COVID-19 crisis.

In February, Gov. Tom Wolf released his proposed budget and revenue projections, which was a mostly positive proposal for the agriculture community. That was before the significant economic losses that have resulted from the COVID-19 crisis.

Pennsylvania state government is just starting to get a handle on how grim those revenue numbers will look. Pennsylvania’s Independent Fiscal Office is projecting between a \$2.7 billion and \$3.9 billion revenue shortfall for the remainder of the current fiscal year and the state’s 2020-2021 budget.

Those projected numbers may vary based on how long business closures and social distancing guidelines will be in place. The IFO is predicting at least a \$517 million decline in corporate net income taxes and a \$803 million reduction in personal income taxes. It is likely there will be some cuts to agriculture programs as state leaders attempt to balance the budget.

Mail-In Voting Allowed for Upcoming Primary Election

Pennsylvania voters may vote by mail in the upcoming Primary Election, which has been postponed until June 2 due to the COVID-19 pandemic.

Registered Republicans and Democrats may vote in their party’s respective primary. Offices up for election this year are U.S. president, U.S. representatives, members of the General Assembly and state row offices, including attorney general, treasurer, and auditor general.

Some areas may also have local ballot questions, which can be voted on by any registered voter, regardless of party affiliation. Check with your county elections office about any local ballot measures.

With safety concerns related to COVID-19 expected to continue into June, mail-in ballots provide an opportunity for Pennsylvanians to vote while maintaining social distancing practices. Voters can apply for a mail-in ballot online or by contacting their county elections office. Your application to vote via mail must be received by 5 p.m. on May 26 and must be returned by June 2. Visit votespa.com to learn more and apply for a mail-in ballot.

Pennsylvania Game Commission Sets Sundays As Part of Seasons and Bag Limits

The Pennsylvania Game Commission has identified three Sundays in November for new hunting opportunities during the establishment of seasons and bag limits for the 2020-2021 season. Sunday hunting will be open for deer archery season on Nov. 15 and for rifled deer season on Nov. 29.

In addition, Nov. 22 will be open to bear hunters as part of the bear firearms season. The two-week rifled deer season will open on Nov. 28, a Saturday, marking the second year in a row that the Game Commission has opened the season on a weekend instead of the traditional Monday open.

Seasons and bag limits as well as other rule changes were set by the Game Commission at a meeting held in early April. Commission members met remotely due to concerns over COVID-19.

Read more about the Game Commission's recent actions at <https://www.media.pa.gov/Pages/Game-Commission-Details.aspx?newsid=382>.

Calling All Apple Heroes & Photo/Video Contest

USApple is featuring apple heroes--apple industry workers on the front lines--on our social media feeds. Send us your photos of workers in the orchard, packinghouse, transportation, etc., and we will post them on Instagram, Facebook, and Twitter, and tag your business.

During National Pollinator Week, June 22-28, USApple will celebrate the critical role bees play in the apple industry. During bloom, send us your photos and/or short videos of bees in your orchards. Selected photos and videos will be featured on USApple social media channels during Pollinator Week and receive a prize.

Send all photos and videos to Tracy Grondine at tgrondine@usapple.org.

PA Farm Bureau Updates on Covid-19

Important Updates on COVID-19

Throughout April, the COVID-19 pandemic continued to have far-reaching implications for many aspects of daily life in Pennsylvania. Business closures and stay-at-home orders remained in effect as of the end of April; however, Gov. Tom Wolf said restrictions will be eased back starting May 8 in 24 counties the northwest and north-central parts of the state.

Most agricultural operations and related businesses remain open and essential as farmers continue their important work of ensuring the continuation of a safe and accessible food supply. At the same time, the price volatility, market and supply chain disruptions, labor concerns and other complications brought on by the pandemic have only intensified in the past month, leading farmers to face new struggles and challenges.

The following updates reflect new information and advocacy efforts during the month of April. **Be sure to visit pfb.com/coronavirus for the most up-to-date information.**

New worker-safety requirements

On April 15, the state Department of Health issued new requirements that businesses that are remaining open, including farms, are legally required to follow to protect employees from the spread of COVID-19. These rules are being enforced.

More information is available at <https://bit.ly/2VuzQJB> and the Health Department has answers to frequently asked questions available at <https://bit.ly/2VtB0oW>. The following is a summary of new requirements for farms and other businesses.

Farms and other businesses must:

- Provide masks for employees to wear during their time at the business and make it a mandatory requirement while at the work site, except when eating or drinking during break times.
- Stagger work start and stop times if practical to prevent gatherings of large groups.
- Provide sufficient space for employees to have breaks and meals while maintaining a social distance of six feet.
- Conduct meetings and training virtually. If a meeting must be held in person, limit attendance as much as possible up to a maximum of 10 employees and maintain six feet of distance between employees.
- Prohibit non-essential visitors.
- Ensure that employees whose first language is not English receive communication about the procedures in their native language.

Retail operations must:

- Require all customers to wear masks while on premises, and deny entry to those not wearing masks, unless providing medication, medical supplies, or food, in which case the business must provide alternative methods of pick-up or delivery of goods. Customers who cannot wear a mask due to a medical condition (including children under the age of 2) may enter the premises without having to provide documentation.
- Conduct business with the public by appointment only and, to the extent that this is not feasible, limit occupancy to no greater than 50 percent of the number stated on their certificate of occupancy. Post signs mandating social distancing for customers and employees.
- Install shields or other barriers at registers and check-out areas and encourage use of online ordering by providing delivery or outside pick-up.
- Schedule handwashing breaks for employees at least every hour.
- Where carts and handbaskets are available, assign an employee to wipe them down between customers.
- Designate a specific time for high-risk and elderly persons to use the business at least once every week if there is a continuing in-person customer-facing component.
- For businesses with multiple check-out lines, use every other register and rotate so the areas can be sanitized.

If an employee has a confirmed or probable case of COVID-19, the farm or business must:

- Require the employee to stay home and not return to work until the CDC criteria to discontinue home isolation are met, in consultation with the health care providers and state and local health departments.
- Implement temperature screenings before employees enter the business prior to the start of work and send any employee home who has an elevated temperature of 100.4 degrees Fahrenheit or higher.
- Close off and ventilate areas visited by that individual.
- Wait a minimum of 24 hours, or as long as practical, before beginning cleaning and disinfection.
- Clean and disinfect all spaces, especially commonly used rooms, and shared electronic equipment.
- Identify and notify employees who were in close contact with that individual (within about 6 feet for about 10 minutes).
- Businesses must also ensure they have sufficient employees to meet the above requirements.

Guidance for agriculture

Pennsylvania Department of Agriculture has issued and updated important safety guidelines for farms and other agriculture- and food-related businesses to help prevent the spread of COVID-19 while continuing life-sustaining work. Be sure to visit agriculture.pa.gov/covid for complete guidelines. New guidance issued since the start of April includes:

- A Spanish language version of the on-farm guidance that can be shared with employees is available at <https://bit.ly/2XWHUog>.
- Guidance for housing for seasonal workers is available at <https://bit.ly/2S2QLRt>.
- Find updated guidance for food processors at <https://bit.ly/2S0iNwO>.

Employees and farm labor

- Pennsylvania has issued new guidance on best practices for maintaining the health and safety of seasonal farm workers, including those working through the H-2A visa program. The guidance includes information on how existing requirements for worker housing fit into recent state Health Department orders related to worker safety as well as guidance on what to do if an employee is diagnosed with COVID-19. Visit <https://bit.ly/2S2jxBV> for more information.
- Farmers, farm workers and other people who work throughout the food supply chain can receive priority testing for COVID-19 at the mass testing site in Montgomery County or at the testing site at Mohegan Sun in Luzerne County. The priority testing is available to any symptomatic adult working in agriculture or food supply who lives or works in Montgomery, Susquehanna, Wyoming, Luzerne, Carbon, Monroe, Pike, Wayne, or Lackawanna counties. Priority testing is free and provided within one day of registration. Learn more at <https://bit.ly/3aJxETc>.
- The Farm Employer Labor Service has important information for producers about farm worker safety available at www.fels.net/1/30-labor/654-ready-for-covid-19.html.
- The U.S. Department of Homeland Security announced a temporarily rule allowing farm employers concerned their workers will not be able to enter the country to hire workers with H-2A visas who are already in the U.S. The move also temporarily allows H-2A workers to stay in the U.S. beyond the three-year maximum.
- The U.S. Department of Labor now has three rounds of frequently asked questions related to H-2A workers. They are available at <https://bit.ly/3aAklyO>, <https://bit.ly/2S2hldF> and <https://bit.ly/353MGC4>.

Environmental compliance

- The Pennsylvania Department of Environmental Protection is considering on a case-by-case basis requests from farms and other businesses for relief from certain regulations and/or permit obligations in cases where strict compliance will prevent, hinder, or delay necessary action in coping with the COVID-19 emergency. To learn more or make a request, visit www.dep.pa.gov/Pages/AlertDetails.aspx and select “Requesting Suspension of Regulation or Permit Condition.”

Help Available for Farms, Businesses

Assistance and resources are available for farms and businesses that have been financially affected by steps to control the spread of COVID-19.

- Make sure to visit www.pfb.com/coronavirus and select Help/Resources for the latest information on federal loan programs available.
- Learn more about state financial resources for affected businesses at dced.pa.gov/funding-programs.
- USDA Rural Development has created a resources page for customers affected by COVID-19. Learn more at rd.usda.gov/coronavirus.
- The state Office of Unemployment Compensation has important resources available for affected employers. Learn more at <https://bit.ly/2UMmg20>.
- DCED has created a directory for businesses and organizations in need to personal protective equipment to connect with manufacturers and suppliers. Learn more at <https://bit.ly/2x4mF8W>.
- Penn State Extension has created a one-stop shop for COVID-19 resources on its website extension.psu.edu/coronavirus.

NOTE: This information is accurate as of the end of April. As the situation has been changing rapidly, we encourage you to visit www.pfb.com/coronavirus for the most up-to-date information.