

AG ISSUES UPDATE
Edited by Brad Hollabaugh
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State Budget Still Being Debated

Support for important research and extension programs at Penn State as well as Research and Fresh Food Promotion areas of the PDA budget are still at risk. SHAP LAC has urged our state representatives to restore the separate line items for Research and Extension in the state budget to assure that each of those lines receives some priority. LAC has also asked that part of the cuts to the Penn State budget be restored to assure some stability in the College of Agriculture. In addition, LAC has requested that some funding be restored to the PDA budget for research and promotion.

The current funding crisis is directly related to "temporary inflation of revenue" provided by the federal stimulus programs that expired after last year. Since overall funding at the state level expanded during the previous two years, the cuts necessary to reign in the budget this year are exaggerated. Unfortunately, severe budget cuts continue to put critical Penn State Extension and Research programs at risk.

Keep a Compound Eye Out for Spotted Wing Drosophila

Years ago, we knew the Brown Marmorated Stink Bug was out there – but it still took us by surprise. Dr. Ed Rajotte, Penn State Professor of Entomology and IPM Coordinator, advises growers to not make the same mistake with the Spotted Wing Drosophila.

Spotted Wing Drosophila is an insect pest of most berries, cherries, grapes, and other tree fruit with soft flesh. First discovered in the western U.S. in 2008, SWD moved on to areas of Florida, Michigan, and North Carolina by 2010.

Females damage fruit by slicing through the skin with their knife-like ovipositor, inserting eggs that develop into small white larvae. These cuts can also be a pathway for fungal pathogens, leading to greater reductions in fruit quality. The SWD may affect more harvestable fruit than native Drosophila species that typically only lay eggs on already-damaged fruit. Infested fruit will not show obvious symptoms until a few days after egg-laying, when the fruit flesh starts to break down.

For information on monitoring, identification, and control of Spotted Wing Drosophila, consult the North Central IPM Regional Pest Alert fact sheet at <http://www.ncipmc.org/alerts/drosophila.cfm>

Court, U.S. House Act on Dual Pesticide Permit Requirements

Recently, a Court of Appeals approved a request by the Environmental Protection Agency to extend the deadline for requiring a Clean Water Act permit for pesticide users to Oct. 31. The requirement had been scheduled to take effect April 9.

Even better recent news was that the U.S. House passed legislation to permanently halt the requirement for pesticide users to obtain the Clean Water Act permits in addition to Federal

Insecticide, Fungicide and Rodenticide Act (FIFRA) permits. H.R. 872 was approved by a vote of 292-130.

Farm Bureau has been taking a leading role on this issue and has encouraged prompt passage of the bill in the Senate. In addition, AFBF and Pennsylvania Farm Bureau have urged EPA and the PA Dept. of Environmental Protection to recognize agriculture's absolute exemption from permitting requirements in comments on proposed federal and state regulations to administer NPDES permitting of pesticide use.

Farm Bureau Intervenes in Pesticide Lawsuit

The American Farm Bureau Federation, along with other agriculture groups, has filed a motion to intervene in federal court in a lawsuit aimed at imposing needless restrictions or bans on pesticide use. AFBF filed in *Center for Biological Diversity v. Environmental Protection Agency*, a suit in the U.S. District Court for the Northern District of California.

The Center for Biological Diversity's lawsuit alleges that EPA violated the Endangered Species Act by allowing the use of nearly 400 pesticides without conducting consultations with the U.S. Fish & Wildlife Service and National Marine Fisheries Service regarding potential impacts on 214 listed species.

Fresh Fruit and Vegetable Program to Expand

USDA will be increasing funding by 40 percent for its Fresh Fruit and Vegetable Program in schools during the 2011/2012 school year. The program, which has been expanded in recent years as a result of the 2008 Farm Bill, operates in selected low-income elementary schools.

USDA plans to provide \$158 million in assistance to state agencies, enabling the program to reach an additional 600,000 to 950,000 students nationwide. Students in selected schools will receive between \$50 and \$75 worth of fresh produce over the school year. Subject to Congressional action, the planned expanded allocations include \$4.7 million for use in Pennsylvania.

USDA to Terminate Marketing Orders for Nectarines, Peaches

The Agriculture Department announced recently that it will terminate the marketing order programs for California nectarines and peaches. From Jan. 12-Feb. 2, 2011, three separate referenda were conducted. Under the terms of the marketing orders, growers vote every four years on whether to continue their programs. USDA considers termination if less than a two-thirds majority of growers voting, by number and production volume, favor continuance.

Ben LaCross: Consumers View Fruit in Whole New Way

Ben LaCross, a fruit producer in Cedar, Mich., and chair of AFBF's Young Farmers & Ranchers Committee, grows about 5 million pounds of cherries and 1 million pounds of apples each season. With the new health-conscious attitude sweeping the nation, LaCross said consumers are thinking about fruit in a whole new way.

“Our market has shifted quite a bit,” La Cross said. “Cherries have always been a dessert fruit, and we understand people are becoming more health conscious these days and cherries are a very healthy fruit. In fact they are loaded with antioxidants and that’s what gives the red pigment in the cherries their color. And so we’ve seen people shift more so to eating cherries for their health benefits and moving from cherries as solely a dessert item.”

LaCross said restaurants have picked up on the new consumer demand. “I think when you look at even quick service restaurants like McDonald’s and Burger King giving fresh sliced apples as an option for their kids’ meals and even for adult meals you can buy fresh sliced apples. And I think that’s really good that people are starting to associate eating fruits and vegetables with quick service restaurants and it gives them an opportunity to have that snack or that meal on the go,” the YF&R chairman said.

High vegetable prices should drop soon, grocers say

A nearly 50% increase in vegetable prices that has sent shoppers reeling in the produce aisle should ease in the coming weeks as farmers send grocers more tomatoes, lettuce and other crops.

Vegetable prices shot up last month after cold weather in the southern U.S. and Mexico destroyed much of the winter vegetable supply, the Commerce Department said. From tomatoes in Florida to lettuce in Arizona, fruit and vegetables became frostbitten, and prices rose for the produce farmers could save.

Costs should be coming down soon, though, as crops farmers planted after the winter freezes start to reach stores, said growers, grocers and analysts. Grocers also typically switch this time of year to crops planted for spring, said Jody Shee, an analyst for the market research firm Mintel. “Unless there are any other weather issues, the prices should bounce back pretty soon,” she said.

USDA Grants Protection to 27 New Plant Varieties

The Agriculture Department has issued certificates of protection to developers of 27 new varieties of seed-reproduced and tuber-propagated plants. They include artichoke, barley, cotton, fescue, pepper, potato, watermelon and wheat.

The Plant Variety Protection Act provides legal protection in the form of intellectual property rights to developers of new varieties of plants. “A certificate of protection is awarded to an owner of a crop variety after an examination shows that it is new, distinct from other varieties, and genetically uniform and stable through successive generations,” said Rayne Pegg, administrator of USDA’s Agricultural Marketing Service.

Updated Pesticide Regulations

Dave Scott, Pennsylvania Department of Agriculture

For the first time since 2001, the Pennsylvania regulations governing pesticide registration, distribution and use are changing. Many changes are designed to increase the security surrounding Restricted Use Pesticides (RUP), standardize the regulations with existing state and

federal laws and regulations and clarify the meaning of previous regulations. However, the majority of changes will not affect currently certified private applicators.

The biggest change for private applicators will require your Pesticide Dealer to verify your identity along with your certification status when making a purchase, and require identification and a signature when delivering any RUP. When making a RUP delivery, the Dealer will be able to accept the signature of any adult involved with your operation present at the time of delivery.

The record keeping requirements no longer include the need for you to document the formulation of the product you are applying, but now clarify that the records must be completed within 24 hours of the application.

Here is a brief overview of the regulation changes that will affect manufacturers, pesticide dealers and commercial and public applicators, and some additional items for private applicators.

- Establishing competency requirements for Pesticide Dealer Managers (certification) as part of Pesticide Dealer Manager licensing requirements.
- Setting fees for a Pesticide Dealer Manager.
- Requiring each pesticide dealer location to have a Pesticide Dealer Manager.
- Requiring photo identification (or two non-photo ID's) for Restricted Use Pesticide purchase and delivery, certification testing, technician registration or licensing.
- Setting a minimum age of 18 for dealer manager, certified commercial and public applicators, and 16 for technicians and private applicators.
- Increasing insurance deductible to \$2,500.
- Requiring the return voided state-issued pesticide credentials upon employee termination.
- Establishing Certification category for Sewer Root Control.
- Combining Certification categories for Right-of-Way and Industrial Weeds.
- Exempting of therapeutic and single-family residential swimming pools from certification requirements.
- Setting a time limit of 24 hours for completing required records.
- Authorizing state inspection of pesticide production records.
- Requiring state registration of U.S. EPA "Approved" pesticides prior to sale.
- Expanding means of notification to include electronic media.
- Requiring 3 years of experience for applicator recertification trainers.
- Establishing penalties for falsification of recertification information.
- Reducing the publication of the Hypersensitivity Registry from 4 to 2 times per year.
- Expanding the requirements for pesticides applied on school property.
- Requiring any person to provide the Department information on pesticides upon request or in a medical emergency.
- Clarifying state ability to enforce all provisions of Federal Worker Protection Standard 40 CFR Part 170 and Container Containment rule 40 CFR parts 156 and 165.
- Setting the pesticide product registration fee at \$250 per product.

After the regulations changes are published as “final” in the Pennsylvania Bulletin, the Bureau will be conducting further outreach to keep you informed of changes that may affect your business.