

**AG ISSUES UPDATE**  
**Edited by Brad Hollabaugh**  
**December, 2013**

**Progress Continues on Farm Bill**

Conferees appear to be inching closer to a new Farm Bill as reports indicate that an agreement has been reached on Title 1 (commodity reforms). Senate Chairwoman Debbie Stabenow (D-Mich.), Ranking Republican Thad Cochran (R-Miss.), House Chairman Frank Lucas (R-Okla.) and Ranking Democrat Collin Peterson (D-Minn.) last met in mid December. The week of January 6 has been blocked out for the full conference committee to meet.

If agreement has not been reached in early January, a short term extension will likely be brought up to avert the so-called "dairy cliff." Current dairy program supports expire on December 31 and revert to law from the 1930s, which is predicted to double the price of milk at the grocery store.

Passing a new Farm Bill is a top priority for USApple as it will restore funding to the Specialty Crop Research Initiative (SCRI) and Clean Plant Network, both of which lost funding under the current extension. Our other priority programs, including the Market Access Program (MAP) and Specialty Crop Block grants, retained funding under the extension. Both the House and Senate versions of the bill maintained or even increased funding for these key programs.

**FSMA Update**

On December 19, 2013 the FDA published the following press release indicating that they plan to make some language changes regarding the regulations impacting water quality and the use of manure and composting on farms:

"FDA appreciates and takes very seriously the extensive input we have received from produce farmers and others in the agricultural sector on the proposed FDA Food Safety Modernization Act (FSMA) rules on produce safety and preventive controls for human food, which we published in January 2013. We have made every effort to solicit input on the proposed rules, not only through the standard rulemaking process, but also by participating in more than 150 meetings and by travelling to numerous farms of varying types and sizes from Maine to California. To ensure broad input and facilitate constructive dialogue with the produce community, FDA has extended the comment periods on the proposed rules three times.

Based on our discussions with farmers, the research community and other input we have received, we have learned a great deal, and our thinking has evolved. Everyone shares the goal of ensuring produce safety, but, as we said at the beginning of the process, the new safety standards must be flexible enough to accommodate reasonably the great diversity of the produce sector, and they must be practical to implement.

To achieve this goal, we believe that significant changes will be needed in key provisions of the two proposed rules affecting small and large farmers. These provisions include water quality standards and testing, standards for using raw manure and compost, certain provisions affecting mixed-use facilities, and procedures for withdrawing the qualified exemption for certain farms. We have heard the concern that these provisions, as proposed, would not fully achieve our goal of implementing the law in a way that improves public health protections while minimizing undue burden on farmers and other food producers.

Because the changes to the key provisions would be significant, FDA plans to propose revised rule language and seek comment on it, allowing the public the opportunity to provide input on our new

thinking. There may be other revisions to the proposed rules; the scope of the revised proposals, on which we will seek further comment, will be determined after we complete our initial review of written comments. We believe that this additional step to seek further input on revised sections of the proposed rules that need significant adjustment is critical to fulfilling our continuing commitment to getting these rules right.

Our plan is to publish revised proposed rule language by early summer 2014. We will accept additional comments only on those sections of the proposed rules that have been revised. FDA remains under a court order regarding the timelines for finalizing these rules. FDA recognizes that completing these rules is essential to protecting the public health and is committed to completing them as quickly as possible.

It is gratifying to FDA that in our meetings around the country, we have received broad support for moving forward in implementing FSMA in a timely manner in light of its important food safety and public confidence goals. Thanks to all of you who have worked with us. We will continue this collaborative approach as we move down the pathway to final rules and to full implementation of the FDA Food Safety Modernization Act in the years to come."

### **House Votes to Shrink Size of General Assembly**

Despite opposition from Pennsylvania Farm Bureau, members of the House of Representatives have approved bills to reduce the size of the General Assembly. House Bills 1234 and 1716 are now headed to the Senate for consideration.

If approved, the size of the House of Representatives would be cut to 153 members, from its current 203 and the Senate would move to 38 members from its current 50. Roughly 50 house members voted against the passage of both bills. Prior to the vote, Pennsylvania Farm Bureau wrote to lawmakers urging them to vote against the measures, saying reducing the General Assembly would disenfranchise rural voters. Both bills must be approved by two consecutive Legislators and then approved by voters in a referendum before the size of the General Assembly can be reduced.

### **Gridlock Ends on Transportation Funding**

After months of wrangling and negotiations, the General Assembly has come to terms with finding new funding for the state's transportation system. The final agreement, which was approved by Governor Tom Corbett for his approval, will inject \$2.3 billion into the state's transportation infrastructure, including funding to fix roads and address the lengthy backlog of bridge repairs.

Funding for the highway system will come through additional user fees, including increased costs for driver's licenses and vehicle registration and an uncapping of the Oil Company Franchise Tax, a levy placed on the wholesale cost of gasoline. Off-road fuel is not subject to the tax.

Following months of gridlock, lawmakers came to agreement over language made in an amendment offered by Nick Micozzie, majority chairman of the House Transportation Committee, who said further inaction by the state would only exacerbate the problem.

"Make no mistake, failure to pass a transportation funding bill is an option the state cannot afford," he said. "Doing nothing will only prolong the crisis and increase costs."

The sorry state of Pennsylvania's roads and bridges came into sharp focus this past summer as the Pennsylvania Department of Transportation placed new weight restrictions on 1,000 bridges, causing detours and headaches for business owners. PennDOT officials said the move was done to slow down the

deterioration process of the bridges. However, the move caused a number of problems for farmers, who had to make expensive detours to move equipment, or get their products to market.

### **Agritourism Bill Passes House But Needs Work**

State House lawmakers passed a bill that would grant limited liability protection to farmers who operate Agritourism ventures. However the bill, laden down with amendments, will need work in the Senate so that the final legislation better addresses the original intent of the law. House Bill 397, introduced by Rep. Mark Keller, now heads to the Pennsylvania Senate, where Pennsylvania Farm Bureau will work with lawmakers to adopt a bill that protects Agritourism operators. The bill passed 106-95.

Amendments in the House took away from the spirit and intent of the legislation, said Joel Rotz, senior director of state government affairs for Pennsylvania Farm Bureau. One amendment would not give liability protection to any venture that charges a fee, Rotz said. That defeats the purpose of the bill, he said.

Keller's legislation is designed to provide limited liability protection to Agritourism operators. Protection would be given to operators who post at least two written notices to the public that they are "assuming the risk" of injury participating in Agritourism activities. The written notices are similar to ones posted at equine operations. Keller said his bill will assist farmers looking to add an extra aspect to their business, such as a pick-your-own operation or corn mazes.

"Many traditional family farmers in Pennsylvania are sponsoring Agritourism activities on their property to increase profits in order to keep pace with the rising costs of their farming operation," said Keller. "My bill would allow them to supplement their income without the fear of facing an expensive and frivolous lawsuit that resulted from opening up their land to the public."

### **CHEMSWEEP Coming to 20 Counties**

Agriculture businesses and pesticide applicators can dispose of unwanted pesticides through the Department of Agriculture's CHEMSWEEP program. The program will be offered in 20 counties in 2014.

"CHEMSWEEP provides a safe, legal way to dispose of unwanted pesticides," said Agriculture Secretary George Greig. "For more than 20 years, the program has helped our agriculture industry properly dispose of more than two million pounds of unwanted or unusable pesticides, helping to safeguard our environment."

In 2014, the program will be offered in: Adams, Allegheny, Beaver, Cameron, Carbon, Centre, Chester, Clearfield, Clinton, Elk, Franklin, Jefferson, Lancaster, Lehigh, Monroe, Northampton, Pike, Potter, Schuylkill and Washington counties.

Many pesticides are discontinued or phased out every year, leaving growers and commercial applicators with toxic materials that cannot be placed in landfills. Licensed applicators, dealers and commercial pesticide application businesses in the designated counties can complete a registration form that will be direct mailed. CHEMSWEEP covers the disposal cost for the first 2,000 pounds per participant.

### **Extension Looks to Expand Education for Well Users**

Penn State Cooperative Extension is seeking volunteers to participate in a program that will provide education resources for private well owners in Pennsylvania. More than 3 million rural homeowners in the state use private wells and springs for their homes and businesses. Penn State Extension has utilized a Master Well Owner Network that helps homeowners understand proper construction and maintenance standards.

"With such a huge population of private water supply owners, we need a large number of trained volunteers who are willing to provide basic education about the proper construction, testing and maintenance of private drinking-water supplies," said [Bryan Swistock](#), extension water resources specialist in the College of Agricultural Sciences.

Since the program started in 2004, more than 600 volunteers have been certified as Penn State Master Well Owners. Penn State is offering a training course from 9 a.m. to 3:30 p.m., Dec. 14 at Neshaminy Manor Center, 1282 Almshouse Road, Doylestown.

The volunteer program requires participants to complete an application to determine their eligibility, including not having a financial stake in private water supplies, such as working for a well-driller, and be willing to educate others about what they learn, Swistock said.

"Our goal is to train enthusiastic volunteers who will provide basic education to private water supply owners throughout the state about the proper management of these important drinking-water supplies," Swistock said.

For more information contact Bryan Swistock at 814-863-0194 or by email at [brs@psu.edu](mailto:brs@psu.edu).

### **Wine Makers Report Excellent Vintage**

Aficionados take note: the 2013 growing year was exceptional for wine making.

Grape growers across Pennsylvania have found the growing season presented near perfect conditions for raising excellent fruit. The result has been a hearty harvest of quality grapes that will result in solid red and white wines for next year.

"The wines are made in the vineyard," said Brad Knapp, who operates Pinnacle Ridge Winery in Berks County. "This is the best vintage since 2010."

Like any farm commodity, grapes have their own ideal growing conditions. And 2013 did not start out on the right foot for many growers. The early season was wet, which helped put a lot of fruit on the vine. But for wine grapes, crowded conditions on the vine can decrease the overall quality of the fruit, said Jeff Ore, who runs Penn Shore Winery in Erie County.

A number of factors determine the overall quality of wines, including the grapes, soil conditions and skill of the winemaker, Ore said. But starting with good quality grapes makes the a little bit easier, he said.