

AG ISSUES UPDATE
Edited by Brad Hollabaugh
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USApple Hosts Capitol Hill Day in DC

On March 15 apple growers from across the United States gathered in Washington, DC to meet with their Senators and Congressman to lobby for the top legislative priorities of the apple industry. Topping the list of US Apple Association priorities was Ag Labor Reform along with other key topics that included International Trade, Farm Bill, Research, and Crop Protection.

Senator Debbie Stabenow was featured as the guest speaker at the opening breakfast. Senator Stabenow is the Ranking Democrat on the Senate Agriculture Committee. She shared insights on the Farm Bill and other key issues.

Thanks to all the growers who took time out of their busy spring schedules to make the congressional visits. The face time with our representatives and their staff is invaluable since they hear directly from their respective constituents.

USDA Releases Emergency Funding to Stop Spotted Lanternfly Spread

The U.S. Department of Agriculture is releasing \$17.5 million in emergency funding for programs to halt the spread of the invasive Spotted Lanternfly. The pest—which was first identified in Berks County in 2014 and has spread throughout southeastern Pennsylvania—is a major threat to agricultural crops, particularly fruit trees and hardwoods.

The emergency funding will be used for a two-pronged approach to containing the Spotted Lanternfly threat. USDA's Animal and Plant Health Inspection Service will monitor and control the outside of the infestation area to stop the insect from spreading while the Pennsylvania Department of Agriculture will work within the core infestation area to reduce Spotted Lanternfly populations.

"We've seen a dramatic expansion in the range of this pest over the last year and we need to take decisive action to prevent the spotted lanternfly from spreading throughout Pennsylvania and into neighboring states," USDA Secretary Sonny Perdue said. "We have the tools to fight this invasive insect and—together with the Pennsylvania Department of Agriculture—we have developed an area-wide approach that will begin before the pest starts to re-emerge in the spring."

GAO releases report on FDA implementation of FSMA

The Government Accountability Office (GAO) has just released a study on FDA progress in implementing FSMA while the agency is continuing to conduct inspections and investigate outbreaks of foodborne illnesses. Congress had asked the GAO to review the FDA's food safety and nutrition-related activities and resources since the passage of FSMA in 2011.

While the report was generally favorable to the FDA, the GAO called upon FDA Commissioner Scott Gottlieb to implement three recommendations generated by the study:

- Direct the Food and Veterinary Medicine (FVM) program staff to uniformly document the basis for their decisions on issuing either regulations or guidance related to food safety and nutrition, such as using concept papers or guidance initiation sheets.
- Develop FVM program performance measures with associated targets and timeframes for all eight of FDA's food safety and nutrition-related objectives.
- Complete an implementation plan including specific actions, priorities and milestones for the FVM program's strategic plan.

Responding to the report, FDA officials said they hope to address identified problems in the agency's 10-year strategic plan. GAO summarized the study results by saying that the FDA's challenge is prioritizing and sequencing the necessary actions to achieve program objectives. *Mark W. Seetin, U.S. Apple, 3/9/2018*

USApple Files Comment Letter with EPA on Pyriproxyfen (Esteem®)

Having a variety of crop protection compound choices allows growers the ability to better manage their pest and disease control programs in ways that reduces the chance for the development of resistance in the target pest and allows for a more effective Integrated Pest Management (IPM) program. Growers have a significant stake in EPA registration decisions, and the agency needs to hear from stakeholders about the uses and benefits of the compounds under review.

Most recently, USApple provided comments on pyriproxyfen (Esteem®), an insect growth regulator (IGR) that mimics juvenile hormones to inhibit metamorphosis and adult emergence for insect pests including San Jose scale, codling moth, leafrollers and leaf miners. Apple growers also use it as an important component of IRM or IPM programs due to its mode of action, selective activity, minimal impacts to beneficial insects and non-target organisms such as pollinators. Loss of pyriproxyfen would have a significantly negative impact on resistance management programs and would reduce grower options in IPM programs.

USApple will continue to provide information to EPA on the safe use and importance of crop protection compounds under review. *Staff Contact: Mark Seetin, U.S. Apple*

Developments to the Agricultural Guestworker Act, or "AG Act"

Below is a list of preliminary changes that reflect how the AG Act has recently been modified by Chairman Goodlatte to address the concerns of the agriculture. Although there remain several concerns with the bill from the standpoint of the apple industry, the proposed changes are improvements.

- Clarifies that a worker does not have to demonstrate non-immigrant intent to get an H-2C visa. There was a concern that for adjusting workers, because they had been in the US for so long (and may have family here), that a consular officer could deny

the worker an H-2C visa because the worker would not have enough ties to a foreign country. This change affects all H-2C workers – not just those who are adjusting status.

- Clarifies that a worker can get a visa for the maximum period 24 (or 36) months, regardless of the length of his initial contract length. This is a huge change that means if workers want to work multiple seasonal jobs they will easily be able to do that without having to continually get extensions to their visa for every new job. The worker still must leave the US if unemployed for 30 days though.
- Further clarifies that workers adjusting to H-2C status will apply for status in the US, get documentation approving them and permitting them to return to the US (without going to the US consulate abroad), and after re-entering the US they will receive their H-2C visa. This is a huge clarification that solves the concern that workers might not be able to get back in the US after departing.
- Clarifies that employers can stagger the start date of workers over a 10-month period so that all workers do not have to be brought into the US at the same time. (This is a specific USA Farmers request – and they gave us even more time than we asked for!)
- Clarifies that a worker can begin a new job as soon as the new employer files the paperwork – no need to wait for approval of the petition. *Kay S. Rentzel, National Peach Council, March 9, 2018*

Governor Outlines State Budget Proposal

Gov. Tom Wolf's proposed 2018-2019 state budget would ramp up funding for the Pennsylvania Department of Agriculture's operations and maintain funding for several programs critical to farmers, including for Penn State Cooperative Extension and the University of Pennsylvania School of Veterinary Medicine. But the plan would also eliminate funding from several other important agriculture programs.

Wolf outlined his \$33 billion spending plan this week, the first step in a several-month budget process. The state budget must ultimately be drafted and approved by the General Assembly.

The governor's plan calls for an 8.5 percent increase in the Department of Agriculture's general operations, which provides funding for jobs and services that support agriculture, and the continuation of current funding for the Animal Health Commission, transfers to the Nutrient Management Fund and Conservation District Fund, Pennsylvania Fairs and the Pennsylvania Farm Show. Funding for Extension and Penn Vet would remain at current levels.

PFB expressed concerns about other parts of the plan that would eliminate funding for the Agricultural Excellence Programs, Agricultural Research and several other promotional programs administered by the state Department of Agriculture. They plan to work with lawmakers and the Wolf administration to restore funding for those programs in the final budget.

PA Supreme Court Releases New Congressional Map

The Pennsylvania Supreme Court has established new congressional districts for the state that will take effect for the upcoming primary election in May. Many Pennsylvania voters will find themselves in new congressional districts.

The court had given Democratic Gov. Tom Wolf and the GOP-led General Assembly a limited time to agree on new congressional districts after ruling that the then-current map violated the state Constitution. Wolf vetoed a map developed by the Legislature, which led to the court implementing a map drawn by its hired expert.

The court's ruling on Pennsylvania's congressional map came in a lawsuit from 18 Democratic voters who say the current maps discriminate against them by creating districts that benefit Republicans. Pennsylvania Republicans have challenged the new map in federal court.



Farm Bureau Opposes Bill to Cut State Legislative Seats, Reduce Rural Influence

Pennsylvania Farm Bureau is pushing against a plan that the organization believes would dilute the voice of rural families in state government by reducing the number of seats in the General Assembly.

The state House recently passed House Bill 253, which calls for cutting the number of House districts to 151 from 203 and reducing the number of Senate districts to 37 from 50. The legislation now heads to the Senate for consideration.

PFB believes that cutting legislative seats would result in more districts being concentrated in urban and suburban areas, reducing the influence of rural Pennsylvanians. That would

weaken the ability of farmers and rural families to have their concerns and needs addressed in Harrisburg.

If the bill were to clear the General Assembly this year, it would be only the first step in a lengthy process. Changing the size of the General Assembly would require an amendment to the state Constitution. For that to happen, the House and Senate must each pass identical resolutions in back-to-back legislative sessions. Then, the proposed amendment would be put to a public vote in the form of a ballot question.

The General Assembly passed a resolution last session calling for the reduction in the House but not one calling for reducing the Senate or both chambers.

Bill to Ease Regulations on High Tunnels Passed by Committee

A proposal to exempt certain high tunnel structures used to extend the growing season of locally grown produce from stormwater management planning has cleared a hurdle in the state Senate. House Bill 1486, sponsored by Rep. David Zimmerman of Lancaster County, was advanced by the Senate Environmental Energy and Resources committee and now heads to the state Senate for consideration. The measure already passed the state House with bipartisan support.

The bill would prevent municipalities from requiring that farmers submit stormwater management plans on high tunnel structures that meet common sense guidelines clearly identified in the legislation.

Pennsylvania Farm Bureau supports the measure and believes farmers applying this technology on their farms should be free of the burdensome paperwork, delay and cost often imposed by local regulation. More and more farmers are using high tunnels to extend the growing season to meet increasing consumer demand for fresh, local fruits and vegetables.

ACRE Law an Important Tool for Farmers

The ACRE (Agriculture, Communities and Rural Environment) Law, ensures that local ordinances that attempt to regulate agricultural activities do not violate state law. The law states that if a municipality has an agriculture-related ordinance that conflicts with, exceeds or duplicates already-existing state agricultural standards, then that local ordinance cannot stand.

Pennsylvania Farm Bureau members who gathered for Farm Bureau Days events in several regions last month, had the opportunity to hear Deputy Attorney General Rob Willig speak about the ACRE Law. Willig is the point of contact in the Pennsylvania Attorney General's office that deals with ACRE complaints.

Willig, speaking at an event in Montgomery County, acknowledged that farming was a top priority of Pennsylvania. "Agriculture is vitally important to the health of the Commonwealth," he said, adding that agriculture has a \$75 billion economic impact in the state. "If that \$75 billion is cut by a fraction," he said, "it can have catastrophic effects."

When it comes to dealing with townships and municipalities passing ordinances that could be potentially disruptive to farming, ACRE has been a good tool to aid farmers. “ACRE is just one more arrow in our quiver to help farmers and sustain agriculture,” Willig said.

He added that filing an ACRE complaint is easy. “You can start the ACRE process right there on the website, send me an email, or call the number,” he said. There is no official form to start a complaint, and it doesn’t have to be in any specific format. Willig said he’s even had complaints come in on handwritten sheets of paper.

For every complaint he receives, Willig sends a letter to the township that he has received an ACRE complaint that is under review. He also sends a letter to the farmer acknowledging that the complaint was received.

Willig said he tries to resolve complaints first by working as a mediator between the farmer and the township. If that doesn’t work, he goes through a more-lengthy process of researching the ordinance and the law and, if there are discrepancies, notifying the township.

Most of the time, Willig said, they don’t have to go to court over a problematic ordinance. When Willig decides to accept a case, he writes up a letter brief to send to the township. Usually, the township accepts the research and changes the ordinance, and the case is closed. If the township disagrees or won’t change the ordinance, the attorney general’s office has the right to sue in Commonwealth Court if the township doesn’t want to change the ordinance. Willig said that’s the last resort he will turn to.

Game Commission Establishes New Disease Management Area

The Pennsylvania Game Commission has established a new Disease Management Area (DMA) in an effort to slow the spread of chronic wasting disease in the state. The move came in response to the detection of a CWD-positive deer on a deer farm in Lancaster County, the only known case of CWD so far in that area.

The new Disease Management Area 4 will include 346 square miles in northeastern Lancaster County, southeastern Lebanon County and western Berks County. That includes the Adamstown, Denver, Ephrata, Mohnton, Richland, Womelsdorf and Wyomissing areas as well as state Game Lands 46, 220, 225, 274 and 425.

The Game Commission will increase sampling for CWD within the new area. The commission will test all road-killed deer in the area and take steps to encourage hunters to submit samples for testing. Hunters and residents with DMAs face certain restrictions intended to stop the spread of the disease.

The intentional feeding of deer is prohibited within DMAs and hunters may not use or possess urine-based attractants. Hunters who harvest deer within a DMA may not transport the carcass outside the DMA without first removing and properly disposing of all high-risk deer parts, including the head and backbone.

CWD is an always-fatal illness that affects deer, elk and other cervids. It has not been proven to affect humans; however, experts recommend using caution when handling deer carcasses and not eating the meat of CWD-positive deer. The number of CWD cases has risen sharply in Pennsylvania and the disease has been detected in both free-ranging and captive deer.

Help Us Spread the Word: Educator's Ag Institute

The Pennsylvania Friends of Agriculture Foundation is committed to growing agriculture literacy. And one way the foundation achieves that goal is by helping educators develop lesson plans based on agriculture.

The foundation, a charitable organization supported by Pennsylvania Farm Bureau, is hosting the Educator's Ag Institute this summer at Penn State. This year's institute, planned for July 8-12, will give teachers an up close and personal look at farming practices, and how they can use agriculture as the basis for lesson plans.

While at the conference, educators will tour a number of Penn State's agriculture facilities, participate in hands-on lessons and leave with a host of materials for use in their classrooms.

The Educator's Ag Institute is open to new educators, along with those who have previously attended our Ag in the Classroom workshop. Participants will also tour several area farms and hear from farmers about how they grow food, care for and feed their animals, and how the farm is run. Educators will receive Act 48 credits and/or can register for continuing education credits through Penn State.

Please consider sharing information about this valuable workshop with educators in your area. For more information, contact the foundation at **717.731.3556** or www.pfb.com/aginstitute.