

AG ISSUES UPDATE
Edited by Brad Hollabaugh
December 2019

House Passes Farm Workforce Modernization Act

On December 11, 2019, the House of Representatives passed the Farm Workforce Modernization Act with a strong bipartisan vote of 260-165. A majority of representatives from apple states voted in favor of the bill. The legislation includes provisions to stabilize the current domestic workforce by creating an earned legalization process, as well as improvements to the current H-2A program, including wage relief.

USApple staff and our volunteer leadership have been working to gain support for the bill since its introduction in late October. Thank you to everyone who answered our action alert and weighed in with your House member.

The effort now moves to the Senate. USApple and our coalition partners have begun meeting with key Senate offices. Negotiations are likely to begin after the holidays with the expectation that a bill could be introduced as early as March. We will work to build on the process started in the House and will seek further improvements as the process moves forward. (*USApple.org, 12/11/2019*)

Anticipated USMCA Passage

During the week of December 9, the House finally reached agreement with the President on the terms of the U.S.-Mexico-Canada trade agreement (USMCA). The anticipated ratification of this treaty has been an important goal of the apple industry since the re-negotiation of NAFTA. As a replacement to the North American Free Trade Agreement (NAFTA), which benefited growers tremendously with quadrupled apple exports to Mexico, passage of the USMCA is critical for growers.

Growers export about \$1 billion worth of apples annually, roughly one-third of the country's crop. Mexico and Canada are the top export markets for the industry. While not all growers export, trade is critical to the future of the entire industry. If those apples don't find homes overseas they flood the domestic market, leading to supply issues that impact everyone's bottom line. (*USApple.org, Sept. 13, 2019*)

WPS Application Exclusion Zone (AEZ) Regulation Update

USApple, along with the Pesticide Policy Coalition and the Minor Crop Farmer Alliance (MCFA) were active after the release of the original AEZ regulations and worked jointly on the early (and much more draconian) proposals. The rule proposal, as USApple described it, is significantly improved and it represents input from those coalitions.

“The EPA has announced a proposed update to the Application Exclusion Zone (AEZ) requirements that is a part of changes to the Worker Protection Standard (WPS). Originally, WPS regulation was enacted in 1992 under EPA's Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorities to protect farm workers from pesticide exposures.

“Under WPS owners and employers of agricultural businesses and commercial pesticide-handling establishments are required to protect employees from occupational exposure to agricultural pesticides. The revised WPS, released in 2015 was controversial in the agriculture community due to requirements placed on growers and crop protection chemical applicators that went beyond

their ability to control situations involving adjacent property or property over which they have not authority. In making the announcement the agency noted that is proposing to:

- Modify the AEZ so it is applicable and enforceable only on a farm owner's property. Off-farm bystanders would still be protected from pesticide applications because of the existing "do not contact" requirement that prohibits application in a manner that would contact unprotected individuals.
- Exempt immediate family members of farm owners from all aspects of the AEZ requirement.
- Add clarifying language that pesticide applications that are suspended due to individuals entering an AEZ may be resumed after those individuals have left the AEZ.
- Simplify the criteria for determining whether pesticide applications are subject to the 25- or 100-foot AEZ.

"EPA will be accepting public comments on the proposed updates for 90 days after the proposal is published in the Federal Register. The comment deadline is January 30, 2020.

If you wish to monitor comment filings on the proposal you can use the following link to go the Regulations.gov website that reports rules and public comments:

<https://www.regulations.gov/docket?D=EPA-HQ-OPP-2017-0543> (USApple, Mark Seetin, Dec. 11, 2019)

Nearly One Million Boxes of Fresh Apples Sought by USDA

On Nov. 15, 2019, Agriculture Secretary Sonny Perdue has announced details of another round of assistance to farmers, intended by the Trump Administration to offset the impacts of tariffs that have damaged U.S. ag exports. Import tariffs were imposed to retaliate against the U.S' tariffs on imported steel and aluminum and other actions. In the announcement, USDA is seeking bids to supply just under 1 million cartons of fresh apples.

Food Purchase and Distribution Program

In an earlier announcement, USDA indicated that it planned to purchase up to \$1.4 billion in commodities, including up to \$88 million worth of apples. The purchases are part of a four phase planned program of purchases with deliveries beginning January 2020. The commodities will be distributed to food banks, schools, elderly feeding programs and Indian reservation programs. (USApple.org, Nov. 15, 2019)

USApple Launches New Website

Earlier this year, we unveiled our new logo, and now we are excited to share that our new website has launched! It has a fresh look and feel and an improved user experience to help you find the information and resources you need. For example, front and center you'll find our latest action alerts, industry backgrounders and our live social feeds-all at your fingertips.

As part of our commitment to being the voice of the apple industry, our new website puts your voice front and center too. USApple is excited to feature members in our #FreshPicks videos. Email tgrondine@usapple.org if you are interested in participating. (USApple.org, Dec. 9, 2019)

Pennsylvania Adopts 'Purple Paint Law'

A proposal to make it easier for farmers and other landowners to post their land to prohibit hunting and other trespassing is now law. Gov. Tom Wolf recently signed House Bill 1772 following its passage by the General Assembly. The measure, sponsored by state Rep. Dawn Keefer of York

County, allows landowners to apply stripes of purple paint on trees or fence posts in lieu of posting “no trespassing” signs.

The paint stripes will 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.

Pennsylvania Farm Bureau advocated for the law and believes that posting properties with purple paint offers landowners an easier and less expensive option than posting signs, while sending just as clear a message. In addition, paint stripes do not require the upkeep that signs do and are not as easily defaced or removed.

Trespass Laws Strengthened Amid Limited Sunday Hunting Expansion

Landowners will be protected with stronger trespass laws as part of a limited expansion of Sunday hunting in Pennsylvania. Gov. Tom Wolf signed Senate Bill 147, following its passage by the General Assembly. The legislation allows expanded Sunday hunting on three Sundays while strengthening hunting related trespass violations to a primary offense with stricter penalties.

Pennsylvania Farm Bureau was neutral on the bill. In 2018, PFB members affirmed that they do not support expanding Sunday hunting but provided a set of criteria that would allow the organization to be neutral on a Sunday hunting bill. After amendments, Senate Bill 147 met those conditions, which included limiting the expansion to three Sundays, strengthening trespass laws and requiring hunters to obtain prior written permission from private landowners when hunting on Sundays.

Discussions over Sunday hunting also cleared the way for passage of the “purple paint bill.” The new law will not take effect until 90 days, which means that the expansion will not happen this calendar year.

Small Business Tax Reform Bills Advance

A pair of bills that aim to bring Pennsylvania’s small business tax policies more in line with federal standards have cleared their first hurdle in the General Assembly.

House Bill 105, sponsored by Rep. Jim Cox of Berks County, and House Bill 333, sponsored by Rep. Eric Nelson of Westmoreland County, cleared the State House Finance Committee recently and can now be considered by the full chamber.

House Bill 105 would allow small businesses to use like-kind exchanges at the state level, which is allowed by federal law and by every other state. House Bill 333 would increase the level of equipment depreciation small businesses can deduct to \$1 million from the current \$25,000. Third piece of the package has not yet cleared the committee. House Bill 1603, sponsored by Rep. Seth Grove of York County, would allow small businesses to deduct losses against income in future years.

DEP Offers Small Business Grants to Agricultural Producers

Agricultural producers can participate in the DEP Small Business Advantage Grant to help cover expenses for projects that promote energy efficiency, protect natural resources and/or prevent pollution.

Qualified agricultural projects would receive matching funds for riparian buffers to prevent sediment and nutrients from entering streams, stream bank fencing and storm water management

projects. The Small Business Advantage Grant will provide matching funds of 50 percent up to \$7,000 for costs incurred between July 1, 2019 to June 20, 2020.

Applications will be received until April 12, 2020 unless the funds are exhausted beforehand. The application will need to be submitted electronically at the Commonwealth's Single Application for Assistance website: www.esa.dced.state.pa.us/login.aspx.

New Members Elected to Pennsylvania Farm Bureau State Board

Two new members have joined Pennsylvania Farm Bureau's State Board of Directors.

Larry Cogan of Somerset County was elected to represent District 11, which includes Bedford, Blair and Somerset counties. **Tommy Nagle, Jr.** of Cambria County was elected to fill a vacancy in District 12, which includes Cambria, Clearfield and Indiana counties.

Board members were elected by delegates from their districts and then approved by voting delegates from all county Farm Bureaus at PFB's 69th Annual Meeting in Hershey. Board directors play an important role in PFB and dedicate their time and effort to improving the organization and keeping county Farm Bureaus in their areas informed of important updates and initiatives. They serve two-year terms.

In addition, the following board directors were re-elected to their posts (board directors' home county Farm Bureau are italicized): **James Barbour**, District 1 (Wyoming/Lackawanna, *Susquehanna* Wayne/Pike); **Howard Robinson**, District 3 (Berks, *Chester/Delaware*, Montgomery); **John Painter II**, District 5 (Bradford/Sullivan, McKean/Potter, *Tioga/Potter*); **Clair Esbenshade**, District 7 (Montour, Northumberland, *Snyder*, Union); **Rick Leese**, District 9 (Adams, Cumberland, Franklin, *Fulton*); **Ernest Mattiuz, Jr.**, District 13 (Armstrong, Clarion/Venango/Forest, *Elk*, Jefferson); and **Bob Craft**, District 15 (Beaver/Lawrence, Butler, *Mercer*).

Scholarships Available for Students Pursuing Agriculture Careers

Students who are pursuing careers in agriculture and related fields can apply for a \$1,500 scholarship through the America's Farmers Grow Ag Leaders program. The scholarship, sponsored by Bayer Fund, is open to student enrolled or planning to enroll in trade schools, community colleges or four-year universities.

The deadline to apply is Jan. 15. To learn more, visit www.americasfarmers.com/grow-ag-leaders.

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.