

**AG ISSUES UPDATE**  
**Edited by Brad Hollabaugh**  
**March 2020**

**State Dept to Stop Issuing H-2A Visas on March 18**

Late Monday (March 16) the U.S. State Department announced that the U.S. Embassy in Mexico City and all U.S. consulates in Mexico will suspend routine immigrant and non-immigrant visa services starting March 18, 2020, and until further notice. You can read the full statement on the State Dept. website. This is incredibly bad timing as many in the industry are expecting workers to arrive within the next few weeks.

USApple President & CEO Jim Bair immediately communicated with his contacts at the White House National Economic Council Monday night. He explained the panic that would be immediate when the entire fresh produce industry learns of the policy change. Tuesday morning, March 17, NEC staff told Bair they "understand the concern and we have been urgently working on this at the highest level."

Agriculture Secretary Sonny Perdue is also engaged in the issue. There are staff level discussions occurring between the State Department and Agriculture Department and a call between the two Secretaries is scheduled for later today.

Senior Vice President Diane Kurrle is engaged with the agriculture labor coalitions in which we are active. She is also in close contact with staff at USDA and key Congressional offices. If you are expecting workers to arrive in the next two to three weeks or if you are notified that your workers' appointment has been postponed, please let Diane know as that information will be helpful to convey.

USApple is expecting more return communication from the White House yet today. The situation continues to evolve and there has also been reporting that H-2A processing will continue particularly for returning workers who do not require an interview. We will continue to provide updates, as more information and clarifications are available. (*USApple Alert, 03/17/2020*)

**H-2A Update on March 17, 2020**

Diane Kurrle reports:

I participated in a call this afternoon with Agriculture Secretary Sonny Perdue. He emphasized that he and his staff are very concerned with the situation and understand the vital importance of ensuring H-2A workers arrive as scheduled. Sec. Perdue reported that he is working closely with the White House and the State Department toward that goal.

He confirmed that the Monterey embassy will continue processing returning workers who do not require an interview. USDA has set up a dedicated email address for H-2A users to submit questions and concerns at [aglabor@usda.gov](mailto:aglabor@usda.gov). He concluded the call by saying they would continue to be in close contact with stakeholders as the situation further unfolds.

In addition, the Kingston embassy in Jamaica is completely closed due to a staff member testing positive for COVID-19. They expect limited operations to come back in early April. I have begun polling the growers that I know who use the Jamaican program to determine their dates of need. If you fall into this category, please let me know.

We are raising concerns about the status of Kingston with congressional offices and the Trump Administration and suggesting they find an alternative way of processing returning workers as this could happen in other embassies as well. I have been in close contact with key House and Senate offices throughout the day and will continue to do so. They also stand ready to help.

We will continue to provide updates as new information becomes available. (*USApple Alert, 03/17/2020*)

### **Update on March 27, 2020:**

#### **Progress Made on H-2A Processing Delays**

This week, USApple worked closely with the office of Senator Pat Leahy (D-Vt.) to generate support for a bipartisan, bicameral letter to the Secretary of State raising concerns about the impact of the embassy closure in Kingston, Jamaica. The letter states, while "the health and safety of U.S. personnel abroad must be our primary concern, the ability to process visas is critical to our food system here at home."

The letter concluded by urging the State Department to "identify and implement alternatives to all procedures requiring in-person action at consular offices." The Jamaican program primarily serves New England and the eastern part of New York. Senators signing were Leahy (D-Vt.), Schumer (D-N.Y.), King (I-Maine), Collins (R-Maine), Gillibrand (D-N.Y.), Shaheen (D-N.H.), Murphy (D-Conn.) and Casey (D-Penn.). Representatives include Welch (D-Vt.), Delgado (D-N.Y.), Brindisi (D-N.Y.), Courtney (D-Conn.), Katko (R-N.Y.), Stefanik (R-N.Y.), Kuster (D-N.H.), Pingree (D-Maine) and McGovern (D-Mass.).

Yesterday [3/26/20], the State Department issued an announcement acknowledging that its decision to cease processing visas had caused "concerns about the impact on "H-2A." Temporary Agricultural Workers and "Consular officers can, if they so choose, now waive the visa interview requirement for first-time and returning H-2A applicants who have no apparent ineligibility or potential ineligibility.

This expansion also increases the period in which returning workers may qualify for an interview waiver. Applicants whose previous visas expired in the last 48 months, and who did not require a waiver of ineligibility the last time they applied, do not need to be interviewed in-person if they are applying for the same visa classification as their previous visa."

This should result in processing time that is much closer to business as usual, even under the current changed circumstances in the embassies. However, it is not clear what it will mean for Kingston in the immediate. The entire announcement can be read here. USDA has provided a question and answer document on the announcement, which can be found here.

USApple staff continues to work on labor and other issues associated with COVID-19 and will continue to provide updates in the coming day and weeks. If you have questions, please contact me at [dkurrl@usapple.org](mailto:dkurrl@usapple.org). (*USApple Alert, 03/27/2020*)

#### **Capitol Hill Day a Success Despite Chaotic Conditions**

USApple's largest government affairs event, the annual Capitol Hill Day, was held March 11. It was a great success, despite the challenges the COVID-19 virus created for travel and face-to-face meetings.

Congressman Jimmy Panetta (D-Calif.) kicked off the day with an inspiring and humorous message at breakfast. More than 60 apple leaders representing all facets of the business fanned out across Capitol Hill to advocate for the key USApple priorities of ag labor reform, international trade and research funding. In all, nearly 80 meetings were held covering a dozen states. Senators were a particular focus as the USApple teams pushed for the Senate to introduce and pass an ag labor reform bill to match the bill that passed the House of Representatives in December. All offices were given the USApple Legislative Policies document, detailing priorities for the year.

Late Wednesday night, news sources reported that a staff person in a Senate office had tested positive for the COVID-19 virus. One of the USApple delegations had visited that office earlier in the day. It is not believed the group came into contact with the affected person. Nonetheless, out of an abundance of caution, early the next morning the Executive Committee decided to cancel the remaining events and allow all participants to return home. The planned Board of Directors meeting will be held at a later date.

Those traveling to the nation's capital to advocate on behalf of the apple industry always deserve recognition, never more than this year considering the very difficult conditions. Thanks to all who trekked to DC and made a difference!

Also, a big thanks to all of the participants who took part in the Capitol Hill Day Twitter Challenge. With more than 500 tweets, retweets, likes and comments, USApple members actively engaged throughout the day on social media with congressional offices and the public with our top policy messages. Hats off to Michigan who came in #1 in the challenge.

Mark your calendars for Capitol Hill Day 2021 on March 3! (*USApple Alert, 03/18/2020*)

### **2020 Dirty Dozen Release Date**

USApple has received word that the Environmental Working Group's 2020 Dirty Dozen List will be released on March 25. It is our understanding that apples will again fall at #5 on this list.

While the Dirty Dozen list has seen a rapid decline in media coverage in recent years, and we expect an even deeper decline this year due to current circumstances, USApple will nevertheless be ready with an appropriate response to counter EWG's misleading and inaccurate reporting.

If you are asked about the list, information and talking points can be found in our Dirty Dozen backgrounder. Please feel free to use the information and share it with your colleagues, customers and consumers.

Should you have any questions, don't hesitate to contact Tracy Grondine at [tgrondine@usapple.org](mailto:tgrondine@usapple.org). (*USApple Alert, 03/16/2020*)

### **Make Your Voice Count by Responding to U.S. Census**

The 2020 Census is almost underway. In April, the U.S. Census Bureau will begin counting every resident of the U.S., a process that occurs every 10 years. The information collected will be used to guide public policy and influence our representation in Harrisburg and Washington for the coming decade.

That's why it's so important that you make sure your voice is counted. The attention and resources our rural communities receive depends greatly on the number of rural residents who respond.

Make sure to respond yourself and encourage friends, neighbors and other community members to do the same.

**Watch for your invitation.** Most households—95 percent—will receive an invitation in the mail by April 1, which will include information about how you can answer the Census. Some residents will have their invitations delivered by a Census worker.

**Respond.** All households have the option to respond online, by phone or by mail. Instructions will be on your invitation. Encourage your friends, family and neighbors to respond as well.

**Your response affects representation.** Census data will determine how many seats Pennsylvania holds in Congress and how those districts are drawn. It will also affect state House and Senate districts. That means that for rural Pennsylvanians to be effectively represented in Harrisburg and Washington, we need to make sure we're counted.

**Your response benefits your community.** Census data directs how \$675 billion in federal money is spent each year. Your response is needed to make sure your community receives important investments in areas like infrastructure, health care, education, food security and technology. Learn more about the Census by visiting [pa.gov/Census](https://pa.gov/Census).

#### **USDA Funds Stress Assistance Network**

USDA is committing \$10 million to assist agricultural producers and people in related occupations who are affected by various types of stress.

Programs under a Farm and Ranch Stress Assistance Network will provide resources and extend help through information hotlines, resource directories and financial and legal counseling, which may include access to telemedicine specifically geared toward agricultural workers. Stress levels may be high for agricultural producers and workers due to ongoing weak finances and the uncertainty of weather.

#### **What the Governor's Budget Proposal Means for Agriculture**

The news for agriculture is largely positive in Gov. Tom Wolf's proposed 2020-2021 state budget. The spending plan would maintain funding for many key agriculture programs and continue the investments made last year with the Pennsylvania Farm Bill. However, Pennsylvania Farm Bureau has identified several areas where additional investment is needed.

Wolf's plan would continue the funding established last year to help farmers implement conservation measures to protect water quality in the Chesapeake Bay Watershed. That includes \$2.5 million for the Conservation Excellence Grant program, \$500,000 for Agri-Link and \$13 million for REAP tax credits. PFB believes that additional resources are appropriate, especially as Pennsylvania faces increased pressure to meet its goals for improving water quality in the bay.

Wolf's plan would maintain existing funding levels for several vital programs, including agriculture research and Cooperative Extension services administered by Penn State University and food safety and animal welfare programs managed by the University of Pennsylvania School of Veterinary Medicine. PFB is calling for a 3 percent funding increase for Extension, which serves as the first line of defense against threats to agriculture, like invasive species and animal diseases, and provides technical expertise to farmers working to protect the environment and water quality.

Wolf's proposal also includes an additional \$1 million for the Pennsylvania Agricultural Surplus System, which offsets costs of donating agricultural goods that could not otherwise be marketed to the state's food banks. And the plan includes a 5.25 percent increase for the Department of Agriculture's General Government Operations, which provides funding for jobs and services that support the agriculture industry.

Meanwhile, the plan would zero out a handful of program appropriations, including more than \$2 million for agricultural research conducted by the Department of Agriculture and \$1 million for Livestock and Consumer Health Protection. In addition, the plan would provide funding of \$5.35 million to the Animal Health and Diagnostic Commission but eliminate \$2 million in additional funding for the commission that was included in last year's budget.

### **Bill to Allow Wider MAVs Advances**

A bill to update laws governing multipurpose agriculture vehicles, or MAVs, has cleared its first hurdle in the General Assembly. The state Senate Transportation Committee voted unanimously last month to advance Senate Bill 995, sending it to the full chamber for consideration.

Farm vehicles such as ATVs or side-by-sides, can be operated by farmers on roads in a limited radius from the farm. State law classifies MAVs being no more than 62-inches wide; however, many newer models are 66-inches wide. The legislation, sponsored by Sen. Dan Laughlin of Erie County, would update state law to re-classify MAVs as being no more than 66-inches wide.

### **Bills Aim to Clarify Farm Sales Tax Exemptions**

Two bills recently introduced in the General Assembly aim to clarify sections of state tax law related to farmers' exemption from sales and use tax. One of the bills would ensure that deer farms are included in the exemption, and the other bill deals with sales tax paid on multipurpose agricultural vehicles.

Senate Bill 1036, sponsored by Sen. Doug Mastriano of Franklin County, focuses on deer farms. Pennsylvania exempts agricultural operations from having to pay state sales and use tax when making purchases for business needs. The bill would expand that exemption to specifically include deer farms regardless of whether the livestock are marketed for game, recreational purposes, animal products, or meat.

Senate Bill 1041, sponsored by Sen. Kim Ward of Westmoreland County, clarifies when the farm sales tax exemption applies to purchases of off-road vehicles used in farming.

Pennsylvania law exempts farmers from paying sales tax on ATVs or other multipurpose agriculture vehicles, if they are being used primarily for farming purposes. However, the state Department of Revenue has a narrow definition of what constitutes a farming activity.

For example, fencing repair is not considered a farming activity, because it's not directly part of the raising of crops or animals. But as any farmer knows, care of fences is critical for managing animals. The bill would broaden the definition of a farming activity to include common farm-related tasks. The aim is to ensure that farmers are able to claim the sales tax exemption for off-road vehicles they use as part of their farming operations.

Both bills have been referred to the Senate Finance Committee for consideration.

### **Rotz Recognized for Advocacy**

Joel Rotz, manager of Pennsylvania Farm Bureau's Government Affairs and Communications Division, has been named the 2020 recipient of the Pennsylvania State Council of Farm Organizations' Dedication to Agriculture Award. The award reflects Rotz's leadership in supporting Farm Bureau's grassroots advocacy on key legislative accomplishments that benefit Pennsylvania agriculture.

A former dairy farmer and Franklin County Farm Bureau president, Rotz joined the PFB staff in 1995 and served in several advocacy roles, including more than a decade as director of state government affairs, before he was tapped to lead the organization's advocacy and communications efforts in 2017. The award recognized accomplishments such as securing passage of ACRE, key changes to Clean & Green, updates to the transportation code, and advocating for funding for Penn State research and Extension.

"Joel has always lived and breathed agriculture, believing strongly in Farm Bureau's grassroots process, and doing all he could to build upon Farm Bureau's credibility while achieving maximum gains for our members," said PFB President Rick Ebert, who nominated Rotz. "His passion for agriculture and commitment to a job well-done has not just benefited our members, but all of agriculture."