

## **AG ISSUES UPDATE**

**Edited by Brad Hollabaugh**  
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### **COVID-19 Update from USApple**

Agriculture Aide Package: On March 27, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was passed by Congress and signed by President Trump. Included in the law is \$9.5 billion for agriculture to be allocated to livestock, dairy, local foods and specialty crops. USApple is working on our own and with other produce organizations to ensure that specialty crops receive an equitable portion of those funds and that all current and future financial losses including sales, increased production costs and the potential for labor shortages are taken into account.

In response, more than 75 House members wrote Secretary Perdue requesting that USDA "provide direct support to the specialty crop producers across our nation who are facing immediate and substantial financial challenges. These producers are experiencing significant losses with more losses expected in the coming days weeks and potentially months." The letter was led by Rep. Jimmy Panetta (D-Calif.) and Rep. Fred Upton (R-Mich.) with nearly all "apple" members signing it. USApple will continue to advocate for the industry as the funds in the CARES Act are allocated. We are also looking ahead to summer and fall and the potential impact of worker shortages or increased costs due to social distancing measures and other practices.

H2A: Processing issues at the Monterey, Mexico and Kingston, Jamaica embassies now seem to be mostly resolved, though transport out of Kingston continues to be a concern. USApple is following all these developments very closely and we continue to engage with our coalition partners in the Agriculture Workforce Coalition and the National Council of Agricultural Employers. In addition, we are communicating with key House and Senate offices and Trump Administration officials regarding the critical need to have H-2 workers processed in a timely manner, especially as we move toward harvest. (USApple, *Apple Bites* - 4.6.2020)

### **FDA's Yiannas Offers Reassuring Message Amid COVID-19**

Frank Yiannas, FDA Deputy Commissioner for Food Policy and Response, this week offered a reassuring message of food safety and availability in a new video. There is no evidence of food or food packaging being associated with the transmission of COVID-19, says Yiannis. Check out his video here: <https://www.fda.gov/news-events/fda-voices-perspectives-fda-leadership-and-experts/fda-commissioned-corps-officers-front-line-covid-19-response>.

### **U.S. Trade Representative Writes on EU Apple Exports to the U.S.**

For several years the European Union has been pressuring the White House, first under President Obama and now under President Trump, to approve an expedited process for shipping apples and pears into the US market. USApple and Northwest Horticultural Council recently met with the Chief Agricultural Negotiator in the Office of the President to express our strongest opposition to such a process so long as U.S. apples are virtually precluded from shipping to the EU market.

USApple and NHC followed up with a letter to recap our opposition. A response was just received from the White House Office of the U.S. Trade Representative. In that letter, Ambassador Gregory F. Doud, Chief Agricultural Negotiator, stated

"USTR is committed to ensuring fair treatment of U.S. agricultural exports by our trading partners and recognizes the hardships faced by U.S. apple and pear producers with respect to the trade

barriers imposed by the EU. The EU's hazard-based pesticide policy harms not only U.S. producers, but threatens to keep farmers from utilizing safe, modern, and innovative tools and technologies worldwide.

"I understand your position that our discussions with the EU should address the systemic sanitary and phytosanitary (SPS) barriers that may unnecessarily restrict access for U.S. fruit exports, including apples and pears, into the EU. I assure you that in our conversations with the EU, we are seeking to address a wide array of non-tariff and SPS barriers." (USApple, *Apple Bites* - 4.6.2020)

### **Canada On Track to Ratify USMCA**

Canada's parliament has voted to ratify the U.S.-Mexico-Canada Agreement, essentially clearing the way for the new North American trade pact to take effect.

Pending administrative action needed to finalize the Canadian legislative process, Canada will become the third and final nation to ratify the trade deal, following the United States and Mexico. That would allow the deal, reached between the three nations in late 2018, to go into force. That's expected to happen this summer.

"This trade agreement comes at a critical time for farmers and ranchers, increasing optimism that we'll turn the corner in 2020," said American Farm Bureau President Zippy Duvall. "USMCA is an important step toward restoring the competitiveness of America's farmers and ranchers, strengthening our trade relationships in North America and setting an example for agreements with other important trading partners."

USMCA is expected to increase U.S. agriculture exports by \$2 billion and result in a \$65 billion increase in gross domestic product. It provides new market access for U.S. dairy and poultry, while maintaining the zero-tariff platform on all other agriculture products, and gives U.S. dairy greater access to Canada's protected market.

### **USDA RMA Announces New Flexibility for Crop Insurance Reporting**

Because of the ongoing coronavirus pandemic, USDA's Risk Management Agency (RMA) is authorizing additional flexibilities RMA continues working through Approved Insurance Providers (AIPs) to deliver services, including processing policies, claims and agreements. These flexibilities include: enabling producers to send notifications and reports electronically, extending the date for production reports and providing additional time and deferring interest on premium and other payments. More information is available at <https://rma.usda.gov/en/News-Room/Press/Press-Releases/2020-News/USDA-Adds-Flexibilities-for-Crop-Insurance-to-Support-Americas-Farmers-and-Ranchers>. (USApple, *Apple Bites* - 4.6.2020)

### **USDA Announces AMS Grant Program Webinars for Farmers and Producer Groups**

USDA has announced a series of webinars for grant applicants "to provide an overview of the application process, program purposes, eligibility, and application requirements." It is apparently geared to assist producers in finding "grant funding to support local and regional food markets and enterprises, value-added agricultural products, marketing, transporting and distributing U.S. agricultural products and the maple syrup industry."

The AMS Grants Division works to support improving domestic and international opportunities for U.S. growers and producers and with a variety of organizations to support rural America and the nation's agricultural sector.

Webinars are scheduled to start in April 2020. For specific dates and registration instructions, visit the AMS Grants Webinar webpage (Grants webinar site: <https://www.ams.usda.gov/services/grants/webinars>.) (USApple, *Apple Bites* - 4.6.2020)

### **Spotted Lanternfly Quarantine Area Expands**

The Pennsylvania Department of Agriculture has added 12 counties to the quarantine area intended to control the spread of the invasive spotted lanternfly. New counties in the quarantine area include Allegheny, Beaver, Blair, Columbia, Cumberland, Huntingdon, Juniata, Luzerne, Mifflin, Northumberland, Perry, and York. The added counties are not completely infested yet, according to PDA, but have a few municipalities with a known infestation.

The additions bring the total number of quarantined counties to 26. Counties that were already in the quarantine zone include Berks, Bucks, Carbon, Chester, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Philadelphia, and Schuylkill.

Businesses that operate within or cross through the quarantine counties must obtain a permit demonstrating that they can identify the spotted lanternfly and will take steps to stop its spread. An invasive pest native to Asia, the spotted lanternfly was first discovered in Berks County in 2014. It poses a major threat to agricultural commodities, including grapes, tree fruit, hops and hardwood.

### **Broadband Data Bill Becomes Law**

A bill that will improve data on broadband availability so that resources to expand service can be better targeted is now law. President Donald Trump signed the Broadband Deployment Accuracy and Technological Availability Act last month, after the Senate voted to approve minor changes to that were made in the House.

The bill would require internet service providers to report more specific data on coverage, giving policymakers better information about where coverage exists and where funding to expand coverage would be best spent. The current coverage maps do not accurately assess broadband availability, especially in rural areas, because they consider an entire Census block served even if only one property in the whole Census block has service.

### **Survey Counting Voluntary Conservation Efforts in Four South-Central Counties**

Farmers in Lancaster, York, Franklin and Adams counties are encouraged to complete a survey that is attempting to quantify what voluntary conservation practices farms have implemented so they can count towards Pennsylvania's progress on its goals for improving water quality in the Chesapeake Bay.

The survey, conducted by Penn State, was developed in collaboration with Pennsylvania Farm Bureau, state agencies and other agricultural organizations. The deadline to reply to the survey has been extended to **May 1**.

The survey comes as Pennsylvania faces increased pressure to reduce nutrient and sediment pollution in the bay. A similar survey in 2016 found that the model used to assess the state's progress toward its bay clean-up goals grossly under-accounts for conservation practices farmers have already put in place at their own expense. Similarly, this survey seeks to identify existing measures so they can be counted.

Only summary results from the survey will be reported to Pennsylvania's Chesapeake Bay Office, ensuring that responses are completely confidential and never will be associated with a farmer's name or location. The survey has been mailed to agricultural property owners in the participating counties, who have the option to send it in by mail or complete it online.

Visit <http://src.survey.psu.edu/farmbmp/> to learn more or to request a copy of the survey if you have not received one.

### **USApple Asks #WhatsYourPick**

As more people are working remotely in this fragile and unsteady environment, there's something comforting about having our favorite apples in the fridge to power us through the day. USApple is asking its social media followers #whatsyourpick. USApple staff kicked things off last week with photos of their picks taken in their homes/workspace. Let us know your pick. Post a selfie in your work space with your favorite apple, use #whatsyourpick and tag @usapples.

### **Coronavirus Update from PA Farm Bureau**

#### **How COVID-19 is Affecting Farmers, Agriculture and Daily Life**

In mid-March, Gov. Tom Wolf ordered all "non-life-sustaining" businesses in Pennsylvania to close their physical locations. The administration is enforcing this order through the state police and other state agencies.

At the same time, residents across the state are subject to "stay at home" orders, which restrict travel except for certain activities, including those related to life-sustaining businesses and those needed to ensure the health and safety of oneself and one's family, such as grocery shopping and buying medicine.

Agriculture and many businesses that support it are considered life-sustaining and the Wolf administration has emphasized that farming and agriculture-related activities should continue to operate to ensure the continuation of a safe and accessible food supply. At the same time, farms and other agricultural businesses are being asked to protect themselves, their families, their workers and their communities by changing procedures and taking precautions to prevent the spread of COVID-19.

Though agriculture remains essential, farmers to are experiencing the economic effects and logistical hurdles caused by the COVID-19 response. Sudden changes in demand and how food is distributed have roiled agricultural markets, causing commodity prices to suddenly decline. Some dairy producers are being told to dump milk as Class I plants are operating at capacity. Processing delays due to COVID-19 has left some meat and poultry producers without a market. Nationally, there's concern about access to farm labor.

The following is important information related to agriculture and daily life in Pennsylvania as of mid-April. As the situation is constantly changing, please visit, [www.pfb.com](http://www.pfb.com), for the latest updates and additional resources.

#### **Life-sustaining businesses**

- According to the Pennsylvania Department of Agriculture, examples of essential businesses for a safe and accessible food supply include, but are not limited to, farms, greenhouses and vegetable plants, orchards, pest management services, feed mills and ag supply businesses, agriculture equipment sales and services, animal feed and supply distribution network, transportation system from farm to retail, food and meat processors and manufacturers, veterinary services and supplies, distribution and transportation system from processors and manufacturers to retailers, retailers to include grocery stores and farmers markets, grocery delivery services, laboratories, and inspectors that ensure food safety.
- See the full list of which types of businesses are considered life-sustaining online at <https://bit.ly/2UzMA1c>.

- Facilities, such as riding stables, that are responsible for the care and welfare of animals are also considered life-sustaining and may remain open for animal care. They are encouraged to follow PDA's on farm guidance (see next section of this story) for preventing spread of COVID-19. Livestock boarding facilities must make their own decisions as to whether to allow animal owners to visit. PDA cannot offer legal advice on this matter and encourages facility owners to discuss with their own legal counsel. If visitors are allowed, they should come during scheduled appointments and practice social distancing.
- Forestry and sawmills are considered life-sustaining businesses.
- PDA has clarified that while construction, in general, is not considered "life-sustaining," farm construction projects may continue as they relate to a life-sustaining operation. Construction businesses may remain open to serve life-sustaining businesses, such as farms, only.
- The governor has ordered bars and restaurants to close their eat-in facilities, which will affect a variety of Farm Bureau-member businesses, including restaurants as well as distilleries, breweries, cideries and wineries that have facilities for eating and/or drinking on site. These businesses may remain open to offer carry-out and/or delivery.
- Businesses can contact the Pennsylvania Department of Community and Economic Development at **866.466.3972** to clarify whether they are considered life-sustaining.
- Learn more about the governor's order at <https://bit.ly/2X6NFzr>.

### **Guidance for agriculture**

PDA has issued important safety guidelines for farms and other agriculture- and food-related businesses to help prevent the spread of COVID-19 while continuing life-sustaining work. Some of the guidance related to production agriculture is summarized below. Be sure to visit [agriculture.pa.gov/covid](http://agriculture.pa.gov/covid) for complete guidelines.

- All farms and agricultural-related business should:
  - Sanitize all contact surfaces and common gathering places on a regular basis.
  - Provide guidance for employees on handwashing, handling materials and where they can find handwashing facilities and sanitizing materials. Make sure such guidance is also available in employees' native languages if they not native English speakers. Stagger lunch times or provide additional space to increase distancing.
  - Ensure that all sick employees stay at home and encourage employees to avoid large gatherings and practice social distancing during non-work hours.
- Farms should:
  - Identify a drop-off location for regular deliveries away from on-farm high traffic areas and housing. Drop-boxes are recommended to be placed near the road, before on-farm entry. If a drop-box is unavailable, designate a drop-off location on-site.
  - Create specific instructions for drop-off deliveries including location and procedures needed at the drop-off point. Create signage to easily identify drop-off points. List all points of contacts with contact information to assist with questions leading up to delivery and upon arrival. Practice distancing with delivery drivers by avoiding personal interaction if possible. If face-to-face contact is needed keep at least six feet away and do not shake hands.
  - Log all deliveries and on-farm entries and monitor your personal travel with a personal travel log.
  - Have a continuity of business plans to keep operations running smoothly in case of any disruption.
- Farmers markets and on-farm retail operations should:
  - Consider delivery, pick up or drive-through options.

- Pre-packaging items to limit shoppers' handling of food and to keep customers moving along.
- Provide instructions for customers via signs and social media on limiting food handling and other precautionary measures.
- Eliminate samples.
- Have a different person handle products and handle money or wash hands or sanitize in between these tasks. Encourage employees not to handle customers' reusable bags and let customers pack their own bags.
- Additional resources:
  - Visit **[agriculture.pa.gov/covid](https://agriculture.pa.gov/covid)** for additional guidance, including what to do if an employee is diagnosed with COVID-19 and precautions for livestock markets, retail food stores and food processors.
  - The Center for Dairy Excellence has guidance available specifically for dairy producers, including how to protect employees. Visit **<https://bit.ly/2jtUqDe>**.

### **Farm labor and employees**

- The U.S. Department of State is expanding the number of H-2A visa applicants allowed to forgo an in-person interview, which will allow more agricultural guest workers to arrive to work on U.S. farms. This change was needed because visa services for immigrants and non-immigrants had been suspended by U.S. Consular Operations in Mexico and elsewhere, which affected the arrival of workers through the H-2A program. While this change will improve access to H-2A workers, it does not fully address labor-access concerns and Farm Bureau is advocating for additional solutions.
- The U.S. Department of Agriculture and Department of Labor recently announced they will work together to help identify foreign and domestic workers that may be available to transfer to other U.S. agricultural employers.
- A new coronavirus-relief bill passed by Congress and signed by the president requires businesses with 500 or fewer employees to offer paid sick leave to employees affected by COVID-19 and expands the Family Medical Leave Act (FMLA). Guidance on these new requirements from the U.S. Department of Labor is available at **[www.dol.gov/agencies/whd/pandemic](http://www.dol.gov/agencies/whd/pandemic)**.

### **Transportation**

- The U.S. Department of Transportation is allowing some flexibility on drug and alcohol testing requirements in areas where testing availability is limited due to COVID-19. Learn more at **<https://bit.ly/2xEtXAc>**.
- The Federal Motor Carrier Safety Administration has issued a waiver from some CDL-related regulations. Find more information at **<https://bit.ly/343n2wx>**.
- The Federal Motor Carrier Safety Administration has exempted livestock haulers from Hours of Service rules that limit drive time until at least April 12. Additional details are available under the transportation section of our COVID-19 information page on **[www.pfb.com](http://www.pfb.com)**.
- PennDOT Driver License Centers and Photo License Centers will be closed for two weeks. Driver licenses, photo ID cards, learner's permits, vehicle registrations, safety and emissions inspection stickers and disability parking placards that have an expiration date between March 16 and April 30, will be valid until May 31.
- The Pennsylvania Turnpike Commission is temporarily shifting to a cashless-only tolling system to avoid face-to-face interactions between toll booth workers and drivers. As a result, cash and credit cards will no longer be accepted at turnpike toll booths. Customers

who have E-ZPass can continue to use it as normal. Customers who don't have E-ZPass should continue to use lanes marked "Tickets" on entry and "Cash" on exit, however they should keep moving through the lane at the posted speed without stopping. Instead of paying their toll on the roadway, they will receive a TOLL BY PLATE invoice through the mail.

- The Pennsylvania Turnpike previously closed indoor areas of service plazas but has reopened them for limited service. Indoor restrooms are open, tables and chairs are removed from the dining area, and there will one fast food restaurant open at each location from 7 a.m. to 6 p.m. serving a limited take-out-only menu.
- PennDOT had previously closed all 30 of its rest areas but has reopened some based on which are most used by truck drivers. Indoor restrooms will remain closed but there will be five portable toilets at each open location. Electronic messaging signs will alert drivers to the nearest open rest area.

### **Federal government operations and regulations**

- The U.S. Environmental Protection Agency has issued temporary enforcement discretion for livestock farms with NPDES permits so that farms making every effort to comply with environmental regulations are not penalized for complications related to COVID-19-related disruptions. That includes assurance that EPA will excuse permitted concentrated animal feeding operations (CAFOs) that house more animals than normal because they are unable to send animals off-site.
- Congress passed and the president signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act on March 27. The measure will: Replenish \$14 billion of the Commodity Credit Corporation's spending authority; create a \$9.5 billion emergency fund for producers, including dairy and cattle producers, fresh fruit and vegetable growers, and local food systems like farmers markets; provide extra funds for USDA's APHIS, FSIS, AMS and rural development; and provide cash payments to individuals and will reduce or delay taxes paid by many farm and ranch businesses.
- USDA Farm Service Agency is relaxing its loan-making process and adding flexibilities for servicing direct and guaranteed loans to provide credit to producers in need. Learn more at [www.farmers.gov/coronavirus](http://www.farmers.gov/coronavirus).
- USDA Risk Management Agency is offering flexibility related to crop insurance, including enabling producers to send notifications and reports electronically, extending the date for production reports and providing additional time and deferring interest on premium and other payments. Learn more at [www.farmers.gov/coronavirus](http://www.farmers.gov/coronavirus).
- The U.S. Department of Homeland Security has closed the southern border with Mexico but has clarified that agricultural workers and lawful cross-border trade are essential travel that may continue.
- The FDA is relaxing certain regulatory requirements to allow veterinarians to better utilize telemedicine to address animal health.
- USDA Service Centers will serve Pennsylvania farmers by phone appointment and field work only. All service center visitors wishing to conduct business with the Farm Service Agency, Natural Resources Conservation Service or any other USDA agency must call their service center to schedule a phone appointment.

### **State government operations and regulations**

- Pesticide applicator exams have been canceled. Private applicators with March 31 expiration dates will be extended to June 1. For those who are currently licensed and need to renew their license, the PDA will be extending the private applicator renewal date to June

1. Private pesticide applicators may purchase and make pesticide applications legally until June 1 and are encouraged to use pesticide online resources to obtain recertification credits and pay for their licenses at [www.paplants.pa.gov](http://www.paplants.pa.gov). Contact **717.772.5231** or [pesticides@pa.gov](mailto:pesticides@pa.gov) for questions.

- The Pennsylvania Veterinary Laboratory and Pennsylvania Animal Diagnostic Laboratory System (PADLS) will remain open. The veterinary lab temporarily reduced hours to Monday through Friday from 8 a.m. to noon but will accept samples 24/7. The PADLS labs located at Penn State and the University of Pennsylvania School of Veterinary Medicine's New Bolton Center may have some limits on hours and services. Visit [agriculture.pa.gov/covid](http://agriculture.pa.gov/covid) for the most up-to-date information on hours and services.
- Pennsylvania Department of Agriculture regional offices are closed.

### **Penn State Extension**

- Penn State has canceled all public events through at least May 15, which will affect Cooperative Extension programs. Registration fees paid for canceled events will be refunded. Some events will be rescheduled and people who registered previously will receive an invitation to attend.
- Extension offices are closed but staff remain available to support the agriculture community virtually. Learn more at [extension.psu.edu](http://extension.psu.edu).

### **Daily Life**

- U.S. Secretary of the Treasury Steven Mnuchin announced that tax filing deadlines will be extended from April 15 to July 15. All taxpayers and businesses will have additional time to file and make payments without interest or penalties. The deadline for 2019 income tax payments for individuals up to \$1 million and for C corporations up to \$10 million has been extended to July 15.
- Pennsylvania has also extended the deadline for filing state personal income taxes until July 15. Some local governments have also extended tax-filing deadlines. Check with your local Earned Income Taxing authority to see if they have extended the filing deadline.
- Public schools are closed through the end of the school year.
- Pennsylvania's primary election has been postponed to June 2. Voters may apply for mail-in ballots online or by mail. Learn more: [votespa.com](http://votespa.com).
- The federal deadline to enforce REAL ID has been extended until October 2021, a one-year extension.
- State liquor stores are closed.

### **Help Available For Affected Businesses**

Assistance and resources are available for farms and businesses that have been financially affected by steps to control the spread of COVID-19.

- Small businesses and non-profits that are facing losses due to COVID-19 can apply for low-interest loans to help cover their continued operating costs. Loans of up to \$2 million are available through the U.S. Small Business Administration's Economic Injury Disaster Loan Program. As of mid-April, most production agriculture operations were not eligible for such loans but many related businesses are, such as restaurant and craft beverage businesses. Farm Bureau is advocating for more agricultural operations to be eligible. Learn more and apply at [www.sba.gov/funding-programs/disaster-assistance/coronavirus-covid-19](http://www.sba.gov/funding-programs/disaster-assistance/coronavirus-covid-19).
- Eligible businesses, including farms, with 500 or fewer employees can apply for fully-forgivable Paycheck Protection Program loans from the SBA to continue to pay employees and cover some overhead costs during the pandemic. Sole proprietorships, independent



contractors and self-employed people are also eligible. Loan payments will be deferred for six months and no collateral or personal guarantees are required. Farm Bureau is advocating to ensure there are not further restrictions on the program that would limit agricultural participation. Learn more at [www.sba.gov/funding-programs/loans/paycheck-protection-program-ppp](http://www.sba.gov/funding-programs/loans/paycheck-protection-program-ppp).

- Learn more about state financial resources for affected businesses at [dced.pa.gov/funding-programs](http://dced.pa.gov/funding-programs).
- USDA Rural Development has created a resources page for customers affected by COVID-19. Learn more at [rd.usda.gov/coronavirus](http://rd.usda.gov/coronavirus).
- The state Office of Unemployment Compensation has important resources available for affected employers. Learn more at <https://bit.ly/2UMmg20>.