

AG ISSUES UPDATE

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USApple - Apple Bites 15 October, 2020

Apple Growers Receive More Than \$58 million from CFAP 1

When USDA announced the Coronavirus Food Assistance Program last spring, apple growers were not included. After USApple presented sales data from more than 43 million boxes aggregated from the Washington State Tree Fruit Association and eastern marketing firms that proved the Coronavirus' impact on growers, USDA relented and declared apple growers eligible. As a result, apple growers have received \$58,337,079.

Top 14 Recipients

State	Total Apple Payments
WASHINGTON	\$34,496,265.71
MICHIGAN	\$8,168,014.01
NEW YORK	\$8,119,007.49
PENNSYLVANIA	\$2,000,004.85
OREGON	\$1,384,325.11
WEST VIRGINIA	\$665,642.36
NORTH CAROLINA	\$561,327.68
CALIFORNIA	\$517,213.80
VIRGINIA	\$507,209.39
IDAHO	\$496,140.47
MAINE	\$336,882.16
OHIO	\$298,623.33
CONNECTICUT	\$158,703.82
WISCONSIN	\$148,655.87

Further, getting apple growers into the CFAP 1 program means they are now eligible for the CFAP 2 program which will more simply make payments based on the grower's 2019 sales, ranging from 8.8-10.6%. Applications for CFAP 2 are due December 11. Anyone needing assistance with applying should contact their local FSA office.

USDA Awards \$5.2 Million Fire Blight Management Grant

With support from USApple, USDA's National Institute of Food and Agriculture recently awarded a \$5.2 million grant to develop a comprehensive fire blight management strategy for American fruit growers.

Fire blight, so called because it makes branches appear as though they've been burned in a fire, is a bacterial pathogen that can have rapid and devastating effects for U.S. apple production. The four-year

project will address many facets of the disease from boosting a tree's natural ability to fight off infection to selective breeding.

Ultimately, researchers hope that within the next 10-15 years they will have developed commercially available apples that are both high-quality and fire-blight resistant.

The work commencing this fall will be led by Michigan State University researchers and collaborators from seven other academic institutions: Cornell University, North Carolina State University, Oregon State University, University of California - Riverside, University of Illinois, University of New Hampshire, and Washington State University. A board of apple growers from across the country will serve as advisors on the project.

USApple, Diverse Agriculture Coalition Urges Trump Administration to Assist with COVID-Related Worker Safety Initiatives - September 25, 2020

USApple and fellow steering committee members of the Agriculture Workforce Coalition sent a letter on Thursday to the White House Coronavirus Task Force highlighting the specific COVID-related costs and challenges facing the industry. We encouraged other state and national organizations to join in the effort for a total of 160 diverse groups ranging from produce to cotton, livestock to nurseries. The effort enjoys strong apple support with the California Apple Commission, Michigan Apple Committee, New York Apple Association, Northwest Horticultural Council and the Washington State Tree Fruit Association all signing on.

The purpose of the outreach was to outline efforts underway by agricultural employers to protect their workforce through social distancing, employee training, use of personal protective equipment (PPE) and testing. Further, in light of the broad strain on PPE availability, testing and other resources, we asked the administration for help as we continue to promote the health and safety of our farm employees and rural communities.

In the letter we provided specific recommendations to the task force, including:

- Adapting farmworker housing requirements to facilitate greater social distancing and allow for the use of alternative housing structures;
- Ensuring that COVID-19 testing resources are accessible to agricultural employers and their employees and that results are available in a timely fashion;
- Helping farmers offset the costs of COVID-19 mitigation expenses, while maintaining existing farm programs by increasing Commodity Credit Corporation funds;
- Prioritizing PPE and future vaccine distribution for the food and fiber supply chain;
- Leveraging networks, in cooperation with states, counties, associations and community-based non-profits to address the areas of community exposure risks to our workforce that are outside the occupational setting and ensure care is available and accessible to those who become ill, even in rural communities.

Farm Bureau updates October 2020

New Round of COVID-19 Aid for Farmers

The U.S. Department of Agriculture has announced a second round of its Coronavirus Food Assistance Program, which provides direct payments to farmers to help with losses suffered due to the COVID-19 pandemic.

The agency is accepting applications for the \$14 billion “CFAP 2” program through Dec. 11.

Farm Bureau had advocated for an additional round of payments, noting that farmers have continued to face challenges due to the market volatility of the pandemic and many affected producers were not eligible for the first round of payments.

Eligibility requirements are similar to the first CFAP program. Payments are limited to \$250,000 per person or entity, with exceptions for partnerships and corporations where all members are actively involved. There is an Adjusted Gross Income limit of \$900,000, except for producers who make at least 75 percent their income from farming, ranching or forestry-related activities. And applicants must meet conservation compliance provisions.

Several commodities that were not eligible for the first CFAP program will now be eligible, including broilers, more types of eggs, turkey and other specialty livestock, additional fruit and vegetable crops, honey, maple sap, and more. The following commodities are eligible for the CFAP 2 program:

- **Row crops:** alfalfa, amaranth grain, barley, buckwheat, canola, corn, Extra Long Staple cotton, upland cotton, crambe, einkorn, emmer, flax, guar, hemp, industrial rice, kenaf, khorasan, millet, mustard, oats, peanuts, quinoa, rapeseed, rice, sweet rice, wild rice, rye, safflower, sesame, sorghum, soybeans, speltz, sugar beets, sugarcane, sunflowers, teff, triticale, and all classes of wheat.
- **Dairy:** Cow and goat milk are both eligible.
- **Broilers and eggs**
- **Livestock:** beef cattle, hogs and pigs, and lambs and sheep.
- **Specialty crops:** More than 230 fruit, vegetable, horticulture and tree nut crops as well as honey, maple sap and indigo.
- **Wool**
- **Specialty livestock:** alpacas, bison, buffalo, beefalo, deer, ducks, elk, emus, geese, goats, guinea pigs, llamas, mink (including pelts), mohair, ostrich, pheasants, quail, rabbits, reindeer, and turkey.
- **Floriculture and nursery crops**
- **Aquaculture**
- **Tobacco**

For more detailed information, including payment rates, visit www.farmers.gov/cfap.

Apply online or through your USDA Service Center. You can also contact USDA at **877.508.8364**. If you applied for the first CFAP program, the application process will be easier for the second round because USDA likely has many of your documents already on file.

Visit www.farmers.gov/cfap for additional information.

Federal Funding Bill Replenishes Farm Program Funding

A recently adopted federal spending bill replenishes funding for farm safety net and support programs that help farms remain in operation through disasters and times of crisis.

Congress recently passed and President Donald Trump signed a measure to continue funding the federal government that included a provision reimbursing the Commodity Credit Corporation, the federal government’s primary funding mechanism for many farm bill programs. Without the reimbursement, USDA may not have had enough funds to make farm program payments.

Help Tell USDA How to Improve Farmer Experience

The U.S. Department of Agriculture wants to know how its agencies can better serve farmers. The department will conduct an annual survey of farmers to understand what the Farm Service Agency, Natural Resources Conservation Service, and Risk Management Agency are doing well and where they can improve.

The survey includes 20 questions and takes approximately 10 minutes to complete. Responses are confidential, and individual responses will be aggregated.

Learn more and take the survey at www.farmers.gov/survey.

Commonsense Protection for Agritourism Sought

Pennsylvania Farm Bureau made an all-out push in September to urge the General Assembly to adopt legislation limiting civil liability for agritourism before the 2019-2020 session ends and progress on outstanding bills resets.

PFB hosted a news conference at Paulus Mt. Airy Orchards in York County to voice support for House Bill 1348, which would grant farms that offer agritourism activities reasonable protection from lawsuits that arise from circumstances beyond their control. The measure has been a longtime legislative priority for PFB.

As of the start of October, the bill was awaiting a vote by the state House.

PFB president Rick Ebert was joined at the news conference by state Rep. Barb Gleim, the prime sponsor of House Bill 1348; state Rep. Danilo Burgos, a co-sponsor of the bill; and Karen Paulus, who owns and operates the orchard and agritourism venture along with her husband, Dan.

To receive the protections offered by House Bill 1348, farms would have to warn visitors of potential risks by either having them sign a waiver or printing a disclaimer on a ticket or other material that's given to visitors. The measure would not give farms a free pass from ensuring guest safety and farms could still be held accountable if they fail to fix or warn patrons of obvious and dangerous safety risks. Paulus explained that there are certain risks that visitors need to be careful of when coming onto a farm. For example, vines in a pumpkin patch could be a potential tripping hazard and apples on the ground in the orchard may attract wasps.

As the public grows more and more interested in local food and connecting with agriculture, more Pennsylvania farmers have turned to agritourism to diversify and tap into another source of income that is not dependent on markets and commodity prices.

Once approved by the House, the bill would need to be passed by the Senate and signed by Gov. Tom Wolf to become law this session.

House Committee Advances Broadband Bill

A bill that would help expand broadband access in rural Pennsylvania is on its way to being considered by the state House of Representatives.

The House Consumer Affairs Committee recently advanced Senate Bill 835. The bill, which cleared the state Senate last month, now heads to the full House for consideration. The House passed a similar bill earlier this year.

The legislation—introduced by Sen. Wayne Langerholc of Cambria County—would create a special account for grants to develop broadband service in underserved areas. The grants, which would be overseen by the Commonwealth Financing Authority, would be funded by shifting an existing \$5 million tax credit.

Expanding broadband access has been a longtime priority for agriculture. While high-speed internet is becoming more and more essential to agriculture, business and daily life—a reality underscored by the COVID-19 pandemic—many rural communities lack adequate access.

MAV Width Bill Advances in House

The state House Transportation Committee has given its approval to a bill that would change the state's vehicle code regarding the width of multipurpose agricultural vehicles (MAVs), commonly known as ATVs or side-by-sides.

The Senate Bill 995, sponsored by Sen. Dan Laughlin of Erie County, now heads to the full House for consideration. The Senate already passed the bill.

Currently, the state vehicle code requires that MAVs be no wider than 62 inches; however, newer models of side-by-sides are often up to 66 inches wide. Senate Bill 995, would change the vehicle code definition of an MAV to include vehicles up to 66 inches wide.

Farmers are allowed to operate MAVs in a limited capacity on roadways as part of their farming operations. This change would help farmers who have newer models of MAVs to be able to legally move those vehicles on the road.

Bill Would Create Locally Focused Conservation Program

Legislation to make it easier for farmers and local conservation officials to partner on conservation projects that improve water quality has been introduced in the state Senate.

Senate Bill 1272, introduced by Sen. Gene Yaw of Lycoming County, has been referred to the Senate Agriculture and Rural Affairs Committee.

The bill would create an Agricultural Conservation Assistance Program administered by the State Conservation Commission that would provide funding to county conservation districts across the state to partner with local farmers to implement conservation practices. Conservation districts would determine what types of projects should be prioritized to make the greatest improvements to water quality, allowing the program to be tailored for each county to meet local needs.

Funding would be distributed based on a formula. Counties with the most need for investments in conservation—such as those working to meet federally mandated goals for reducing nutrient and sediment pollution in the Chesapeake Bay Watershed—would receive the most funding. But the program would provide funding to conservation districts throughout the state.

Grants Available for Farm Conservation Projects

Funding is available through the Pennsylvania Department of Environmental Protection's Small Business Advantage Grant program to help farmers purchase energy efficient or pollution prevention equipment, or adopt waste reduction processes.

The program provides 50 percent matching grants, up to a maximum of \$7,000.

In addition to projects that decrease energy usage, the grants can be used on best management practices that improve water quality. Examples of eligible projects include, but are not limited to: riparian buffer plantings, streamside exclusionary fencing, barnyard runoff controls, energy efficient lighting, high efficiency heating and cooling equipment, geothermal heat pumps, energy efficient refrigeration, process equipment upgrades, waste recycling systems, solvent recovery systems, and agricultural solar pumps.

Learn more at <https://bit.ly/30K7Jcj>.

Reminder: Apply Now for REAP Credits

Applications are now open for one of Pennsylvania's signature conservation programs, which offers tax credits to agricultural producers who implement on-farm conservation practices.

The Resource Enhancement and Protection Program (better known as REAP) is funded at \$10 million dollars this year. Farmers can apply for REAP tax credits to cover 50 to 75 percent of the costs of implementing conservation practices or purchasing related equipment. In high-priority areas, such as

the Chesapeake Bay Watershed, credits covering up to 90 percent of costs are available for certain targeted practices, such as 50-foot, forested riparian buffers and measures to exclude livestock from streams.

Common REAP projects include no-till planting and precision ag equipment, waste storage facilities, conservation plans, Nutrient Management Plans, cover crops, riparian buffers and barnyards runoff controls. Credits can be used in conjunction with other funding sources and applications are accepted on a first-come, first-served basis.

Learn more about the program and how to apply at <https://bit.ly/30hYrEc>.

Free Technical Assistance Available for Energy Projects

Farmers and other rural, small businesses can receive no-cost technical assistance to identify and assess renewable energy alternatives that can lead to cost-saving energy alternatives through a program at Northampton Community College.

The school's Emerging Technology Applications Center received a two-year grant from the U.S.

Department of Agriculture to participate in the Rural Energy for America Program. Funding through this program will help provide technical assistance to eligible participants throughout Pennsylvania.

For more information and a determination of eligibility, contact cyoung@northampton.edu.

Nominate Outstanding Ag Educators for 2020-21 Golden Owl Award

Do you know an outstanding agriculture educator? Nominate them now for the Golden Owl Award.

The awards program is presented by Nationwide to recognize exceptional agricultural teachers and provide financial support for their education programs. Nationwide presents the award in five states, including Pennsylvania, where it is awarded in cooperation with Pennsylvania Farm Bureau and Pennsylvania FFA.

The award was presented in Pennsylvania for the first time this year to Mark Anderson, agriculture teacher at Elizabethtown High School in Lancaster County.

Nominations for the 2020-21 award are open now through Dec. 31.

Four finalists will receive \$500 each for their programs and an overall winner will receive the Golden Owl Award trophy and \$3,000 to help bring new educational opportunities to their program.

For more information and to nominate an outstanding agriculture educator, visit

www.nationwide.com/golden-owl-award/pennsylvania.

Ag Law updates

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Food Safety: FDA Proposes Food Traceability Rule

On September 23, 2020, the Food and Drug Administration (FDA) published in the Federal Register a proposed rule titled "Requirements for Additional Traceability Records for Certain Foods" (85 FR 59984). The proposed rule would require the manufacturers, processors, packers, and storage facilities of listed foods to keep certain traceability records documenting the following events: growing, receiving, creating, transformation, and shipping. The rule contains several exemptions, including, among others, exemptions for small farms ("originators"), farms that sell direct to consumers, produce that is "rarely

consumed raw: (RCR), and partial exemptions for food retail establishments. The proposed rule also provides procedures for requesting an exemption on the grounds that such recordkeeping for a specific food is “not necessary to protect public health.” The rule carries a 120-day comment period that ends January 21, 2020.

Pesticides: EPA Issues Draft Risk Assessment of Chlorpyrifos

On September 25, 2020, the U.S. Environmental Protection Agency (EPA) published in the Federal Register a notice titled “Pesticide Registration Review; Draft Human Health and/or Ecological Risk Assessments for Chlorpyrifos; Notice of Availability” (85 FR 60455). The available draft risk assessments for chlorpyrifos include an ecological risk assessment, a human health risk assessment, and a drinking water assessment. While the human health risk assessment found “no residential post-application risks of concern, it identified dietary risks due to food residues, with the highest risk estimate being for children. Additionally, the ecological assessment identified that the level of risk quotients (RQs) for chlorpyrifos “exceed the level of concern (LOC) for all uses assessed for all taxa,” and that “[c]itrus and tart cherries are associated with some of the highest RQs.” According to a corresponding announcement, EPA will open a 60-day public comment period in October in conjunction with its Proposed Interim Decision on chlorpyrifos.

Pesticides: All Three Triazines Pesticide Interim Registration Review Decisions Now Available

On September 22, 2020, the U.S. Environmental Protection Agency (EPA) published in the Federal Register a notice of interim registration review decisions with rationales for the triazine pesticides— atrazine, propazine, and simazine titled “Pesticide Registration Review; Interim Decisions for the Triazines; Notice of Availability” (85 FR 59525). There is no public comment period for these documents.

Invasive Species: New York Expands Spotted Lanternfly Quarantine and Oregon Detects First Spotted Lanternfly

On October 8, 2020, a revised New York Department of Agriculture and Markets final rule on spotted lanternfly quarantine requirements became effective. The rule simply conforms the list of Pennsylvania counties, from which a certificate of inspection must accompany imported goods, to the list of counties under Pennsylvania’s quarantine. Businesses transporting goods from these Pennsylvania counties must possess a spotted lanternfly permit from the Pennsylvania Department of Agriculture (PDA) and inspect and self-certify their shipments. Through a reciprocity agreement, New York has agreed this will satisfy New York’s requirements. Also on October 8, 2020, the Oregon Department of Agriculture announced that a dead spotted lanternfly by a nursery in a shipment of ceramic pots and planters from Pennsylvania. Oregon has declined to implement control measures at this time.