

AG ISSUES UPDATE

Edited by Sara Hricko

August 2023

USApple updates

Wall Street Journal Highlights Apple Labor Issue

Over the weekend, the Wall Street Journal (WSJ) published a letter by USApple President and CEO, Jim Bair, on its website and in its weekend print edition. We're pleased to see the headline as a *Call To Action* in and of itself: *U.S. Farmers Need a Better Work Visa Program*.

The WSJ is the largest business publications in the world, with 42.4 million monthly visitors. The letter is below.

THE WALL STREET JOURNAL.

U.S. Farmers Need a Better Work Visa Program

The H-2A visa is the only legal means for U.S. farmers to employ foreign workers (“H-2A Guest Workers Can Pick Florida’s Crops” by Dave Seminara, *Cross Country*, Aug. 5). Apple growers are perhaps the largest single user of the H-2A visa program, despite its being hopelessly bureaucratic and illogical.

For example, to use the H-2A program, a grower must tell federal agencies in the winter how many workers will be needed on what date for the next fall’s harvest. Only Mother Nature—neither kind nor predictable—knows when the apples will be ready to harvest and how large the crop will be.

Hourly farmworker wages averaged \$16.62 in 2022. The cost to hire, transport and house an H-2A worker (usually from Mexico or Jamaica) exceeds \$2,000 a worker, so a small-to-

medium-size family farmer will spend a quarter of a million dollars on labor before the first apple, tomato or head of lettuce gets picked. The lack of a good temporary farmworker visa program is a big reason the U.S. will import more food than it exports, in value, this year.

The Farm Workforce Modernization Act is part of the solution. For the many falsely documented workers picking the nation’s fruits and vegetables, it would allow them to pay a significant fine and come out of the shadows to achieve legal work status (but not citizenship). It has passed the House twice, with bipartisan support, but the Senate has refused to consider it.

JIM BAIR
President and CEO, U.S. Apple Association
Falls Church, Va.

Focus on the Farm Bill

Farm Bill Briefing

Last week, USApple Senior Vice President, Diane Kurrle, participated in a Farm Bill briefing for the House New Democrats Coalition on Capitol Hill. The briefing was attended by several Members of Congress including Representative Kim Schrier (D-WA) who introduced Kurrle. Discussion focused on the need to maintain and improve key programs such as:

- The Specialty Crop Research Initiative
- Specialty Crop Block Grants
- The Market Access Program

- Crop Insurance

The New Dems are championing many of these programs in their Farm Bill priorities and helping to lead the charge in support of the priorities of the Specialty Crop Farm Bill Alliance (SCFBA).

Specialty Crop Farm Bill Alliance (SCFBA) Endorses Bills

USApple and the SCFBA are working with key House and Senate leaders who are introducing bills to implement the SCFBA priorities. Just last week two bills were introduced that we support:

The Specialty Crop Support Act of 2023 was introduced by Reps. Elissa Slotkin (D-MI) and Lori Chavez-DeRemer (R-OR), to extend and enhance the Specialty Crop Block Grant Program

The Protecting America's Orchardists and Nursery Tree Growers Act was introduced by Reps. Bill Huizenga (R-MI) and Jimmy Panetta (D-CA), which expands the eligibility of tree, bush and vine growers for the Tree Assistance Program and modernizes the program.

Department of Labor Announces Expansion of Injury and Illness Submission Requirements

The U.S. Department of Labor announced a final rule that will require companies with 100 or more employees to electronically submit information from their Injury and Illness forms to the Occupational Safety and Health Administration (OSHA) once a year, these submissions are in addition to forms already submitted. OSHA will publish some of the data collected to the public to provide information about a company's workplace safety and health record. This rule goes into effect Jan 1, 2024.

Netflix Documentary About FoodSafety

"Poisoned: the dirty truth about your food" aired on August 2nd

The New Netflix documentary focused on food safety, called *Poisoned*, debuted on August 2nd. The (1hr22min) documentary does not have a prominent focus on apples, or any fruit.

The only instance where apples are shown or mentioned is briefly in the introduction, where a food safety lawyer, Bill Marler, walks through a grocery store and talks with a filmmaker, primarily in the produce section.

Because this part is included in the trailer, caramel apples are mentioned by Marler in a list of products he's dealt with in litigation.

- 0:39: Bill Marler: “When I look around, I probably see 10-15 different items... that product’s been contaminated... or I’ve sued companies on behalf of victims. I’ve litigated plenty of cases of romaine lettuce, cut fruit, you know countless outbreaks... cut cantaloupe, strawberries, caramel apples, tomatoes, onions, cookie dough, Similac infant formula, lucky charms, chicken... you know.... all these [chicken] products are likely contaminated.”

The documentary goes on to shine a spotlight on ground beef (Jack in the Box), leafy greens, Peanut Corporation of America, and eggs and chicken. E. coli, salmonella, and campylobacter are the pathogens of primary focus. You can find my more extensive notes here, if you’re interested.

We will be monitoring news outlets and social media for coverage of the documentary, but at this point we do not expect to see apple products or companies being identified for any food safety concerns.

USApple is a Resource for You:

- If you receive any inquiries from local media, feel free to direct them to us, and we’ll take the questions, or we can get on a call and discuss to prepare you.
- If you’re contacted by a customer or consumer, you can direct them to USApple’s backgrounders which cover many topics including food safety and pesticides.

Food Safety Talking Points:

- Food safety is essential to our company. We produce high quality, nutritious fruit that follows rigorous food safety criteria to ensure our consumers are safe.
- We meet all federal, state, and internal food safety program requirements.
- We are continuously improving our systems and utilizing new technology to enhance testing, record keeping, and traceability.
- We are happy to share more information about our quality assurance program, so you can better understand the distance we go to do things right.

If you have any questions, please contact Lynsee Gibbons, USApple's Director of Communications.

Additional Source Updates

U.S. Specialty Crop Growers Welcome Legislation

WASHINGTON — The Specialty Crop Farm Bill Alliance (SCFBA), a national coalition of more than 200 specialty crop organizations representing growers of fruits, vegetables, dried fruit, tree nuts, nursery

plants and other products, applauded the introduction of two bills this week that would address major priorities laid out in the group's 2023 Farm Bill recommendations:

- Specialty Crop Mechanization Assistance Act of 2023, introduced by Reps. David Valadao (CA-22), Jim Costa (CA-21), and Doug LaMalfa (CA-1), would establish a new cost-share grant program to help growers purchase newly commercialized mechanization and automation equipment to increase the efficiency of specialty crop production.
- Specialty Crop Domestic Market Promotion and Development Program Act of 2023, introduced by Reps. David Valadao (CA-22), Darren Soto (FL-9), and Doug LaMalfa (CA-1), would establish a new program within USDA's Agricultural Marketing Service, modeled after the successful foreign Market Access Program, to fund the implementation of a domestic market development program specifically for specialty crops.

"We appreciate the work of this bipartisan group of House Members for recognizing the needs of specialty crop growers as we work to improve efficiencies and develop domestic markets for U.S.-grown produce and other specialty crops," the SCFBA Co-Chairs said in a joint statement. "We look forward to working with Congress to increase the Farm Bill's investments in the competitiveness and sustainability of the U.S. specialty crop industry, producing a strong return for all Americans."

The SCFBA was established to advocate for the unique needs of specialty crop growers in the Farm Bill and enhance their overall competitiveness in the face of increasing global competition and regulatory and buyer demands. It is led by Co-Chairs Mike Joyner, President of the Florida Fruit & Vegetable Association; Dave Puglia, President and CEO of Western Growers; and Kam Quarles, CEO of the National Potato Council, with Robert Guenther, Chief Public Policy Officer for International Fresh Produce Association, who serves as secretariat for the Alliance.

Specialty crop production, including fruits, vegetables, tree nuts, nursery and greenhouse commodities, contributes significantly to the U.S economy, accounting for \$64.7 billion in farm gate value and 30 percent of farm cash receipts for crops. – *Morning Ag Clips, July 31st, 2023*

Pennsylvania State budget Update

Keeping with tradition, the 23-24 budget process has been an interesting one and it's not over yet.

Surpassing the deadline of July 1, tensions are high between both parties and Governor Shapiro. As of Aug. 4, Shapiro has signed House Bill 611 and vetoed the Pennsylvania Award for Student Success (PASS) appropriation as promised.

The budget process is still far from complete. Code bills, which direct the Governor on how to spend the funds, along with allocations for state universities have yet to be passed. With Senate Republicans saying they can no longer trust the Governor's word; remaining procedures will likely not go without a hitch.

Luckily for Farm Bureau, agriculture was not a point of contention in the budget. We will continue to monitor the proceedings and keep you up to date with the latest news.

Pennsylvania Farm Bureau had the following priorities for this year's budget:

- An increase to the General Government Operations Line for the Department of Agriculture to fund programs and personnel for programs like food safety, animal health and market development. (Included in 23-24 budget)
- An increase to the Agricultural Preparedness and Response line to help combat and respond to HPAI, invasive species and other ag emergencies. (Level funding in 23-24 budget) • An increase to Penn State Cooperative Extension and Research so our state's Land Grant college can continue its independent research on issues like water quality, pest management, business diversification and technological adaptations in agriculture. (TBD in 23-24 budget)
- Adequate funding for the necessary services provided by the University of Pennsylvania School of Veterinary Medicine. (TBD in 23-24 budget)
- An increase to the University of Pennsylvania's Center for Infectious Diseases line to address zoonotic diseases like Lyme Disease or West Nile Virus. (TBD in 23-24 budget)
- Restoration of the Animal Health and Diagnostic Commission line and the Livestock and Consumer Protection line. HPAI highlights the need for these programs to remain viable. (Included in 23-24 budget)
– *Pennsylvania Farm Bureau Express August 4th, 2023*

Conservation Programs: USDA Announces \$300 Million, Draft Federal Strategy to Improve Greenhouse Gas Measurement and Carbon Sequestration

On July 12, 2023, the U.S. Department of Agriculture (USDA) published a notice in the Federal Register (88 FR 44251) requesting public comment on an interagency draft report: Federal Strategy to Advance Measurement and Monitoring Greenhouse Gas Measurement and Monitoring for the Agriculture and Forest Sectors. Additionally, USDA announced \$300 million in available funding to “improve measurement, monitoring, reporting and verification of greenhouse gas emissions and carbon sequestration in climate-smart agriculture and forestry.” According to the announcement, the draft strategy and funding aim to further the administration's goal to reduce 2005 levels of greenhouse gas emissions by 50–52% by 2030. The draft strategy is open for public comment until August 11, 2023 (Docket: USDA-2023-0009). – *Penn State Agricultural Law Weekly Review, July 17th, 2023*

Pesticides/Herbicides: European Food Safety Authority Determines 'No Critical Areas of Concern' for Glyphosate

On July 6, 2023, the European Food Safety Authority (EFSA) announced conclusions from its glyphosate risk assessment, stating that the agency determined that glyphosate use posed “no critical areas of concern” on impacts to “the health of humans, animals, and the environment.” The study was conducted over three years and drew information from “thousands of studies and scientific articles.” The conclusions have been shared with the European Commission and Member States, who will refer to the findings when deciding whether glyphosate should be reapproved for use in the European Union (EU), and are expected to be formally published by the end of July 2023. The EU has approved the use of glyphosate through December 15, 2023. – *Penn State Agricultural Law Weekly Review, July 17th, 2023*