

AG ISSUES UPDATE

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USApple Updates

USApple Submits Apple Crop Insurance Comments

In mid-December, the Federal Crop Insurance Corporation (FCIC), the organization within USDA's Risk Management Agency (RMA) responsible for administering federal crop insurance, issued a series of proposed changes to the apple crop insurance program. Those changes, if adopted, would take effect for the 2024 crop year. USApple's Risk Management Task Force reviewed those proposals and developed and submitted comments on behalf of the industry. More than 70 percent of apple growers use crop insurance, according to the latest RMA statistics.

FCIC's proposed amendments are intended to "address program vulnerabilities that have caused increased loss ratios and rising premium costs, and to provide safeguards against fraud, waste, and abuse." USApple's comments are entirely supportive of changes to the apple crop insurance program that meet these goals as the long-term sustainability of this program is of paramount importance to our membership and the industry at-large.

USApple did, however, caution FCIC not to make changes so severe that they significantly discourage participation in the program. The comments suggest that some new provisions, including an unbounded "fresh fruit factor," could lead many growers to abandon their crop insurance policies in favor of alternative risk mitigation strategies that provide a better balance of affordability and protection. For this reason, FCIC was urged to be mindful of impacts to both expected indemnities and premiums to maintain loss ratios as close to one as possible.

To read USApple's comments in their entirety, please see this link: <https://usapple.org/wp-content/uploads/2022/04/USApple-Crop-Insurance-Comments.pdf>

OSHA Launches Program to Protect Workers from Heat Illness

Last week, the Occupational Safety and Health Administration (OSHA) announced the creation of a

National Emphasis Program on Outdoor and Indoor Heat Hazards. This builds on regional programs that were in place last year. In addition, OSHA published an advanced notice of a proposed rule on heat standards last October. USApple submitted comments on that notice, urging that if OSHA goes ahead with a proposed rule that “it should be outcome based and not overly prescriptive. The agency should also seek to avoid duplicative requirements when standards are already in place. A one-size-fits all approach will not work given the wide variety of weather conditions in different states and regions as well as different working conditions and practices. For these same reasons temperature thresholds must account for these regional differences.” The timing of such a proposal is not known, but as there are many formal steps that would have to be taken, it would likely take years before anything is finalized. USApple will continue to follow this issue closely and advocate on behalf of the industry.

New York Moves to Reduce Threshold for Agriculture Overtime Pay

Two years ago, New York passed a law mandating agriculture employers to pay overtime after a 60-hour workweek. Earlier this year, the Farm Laborers Wage Board voted to recommend lowering the threshold from 60 to 40 hours by 2032. This would be achieved by dropping four hours per week every two years beginning in 2024. The proposed change in New York has been in the news recently because loud protests from New York farmers has led to the governor offering tax credits to offset some of the costs. However, before changes to the current 60-hour threshold are made, a final report will need to be filed by the wage board. If this goes forward, New York will join a handful of other states requiring overtime for farm workers including apple states California and Washington.

Washington also phases in the requirement over the next three years starting this year with a threshold of 55 hours, dropping to 48 in 2023 and 40 in 2024. California began phasing in the requirement in 2019 and those employers with 26+ employees are now required to pay overtime at the 40-hour mark, those employees with 25 or fewer employees have until 2025. The extension to agricultural workers in these states applies to both domestic and H-2A workers. Without these state mandates, agriculture is exempt from the overtime provisions included in the Fair Labor Standards Act, which applies to other jobs.

Specialty Crop Farm Bill Alliance Meets

USApple participated in a working session of the Specialty Crop Farm Bill Alliance (SCFBA) Steering Committee. The SCFBA is a broad coalition of organizations representing produce, nursery landscape and wine grape growers, none having access to traditional farm payment programs as grain growers do. As a result of our combined efforts, new programs were created in the 2008 Farm Bill for research, nutrition and marketing, all of which have benefited the apple industry. Examples of direct benefits include: the Specialty

Crop Research Initiative which has been used to combat invasive pests and diseases such as the Brown Marmorated Stink Bug; Specialty Crop Block Grants for marketing, nutrition and food safety initiatives; and the Fresh Fruit and Vegetable Program which provides nutritious snacks to elementary school students in low-income areas.

The current Farm Bill expires next year and, with an eye toward the next one, House and Senate Agriculture Committees have begun holding hearings and meeting with stakeholders including the apple industry. The SCFBA has formed policy working groups to review all the programs and to assess what is working and what needs to be improved and/or modernized. USApple is active in all the working groups and as a member of the Steering Committee will continue to play a leadership role in the development and implementation of SCFBA priorities. In addition to the specific programs described above, we are also reviewing broader programs funded in the Farm Bill, including crop insurance and the Market Access Program.

Farm Bureau updates

PDA Enforcement of Hayride Attractions Will Start in 2023

Recently, the Pennsylvania Department of Agriculture issued a variance for hayride attractions from the requirement that a registered engineer certify such rides, but those attractions would still need to register with the Department and meet other standards, such as insurance coverage and inspection by a qualified person. After an inquiry from Pennsylvania Farm Bureau, the Department confirmed they will not perform enforcement actions of hayrides until 2023, and the Department is open to suggestions on other changes to technical safety standards.

The Department of Agriculture has the ability to regulate hayride attractions under the Amusement Ride Inspection Act. However, until recently, there has not been national standards for the inspection of hayride attractions. After ASTM, an international standards organization, developed those technical standards, the Department of Agriculture started informing operators of those standards and the related requirements under the Amusement Ride Inspection Act.

The Department's decision to start enforcement in 2023 will give operators time to adjust to these standards, and also for suggestions to be made. Pennsylvania Farm Bureau is reviewing these standards and will continue to work with the Department on possible changes, or legislative solutions, as necessary.

Game Commission Approves Several Changes to Red Tag

Pennsylvania Game Commissioners recently approved several significant changes to the Agricultural Deer Control Program, commonly known as Red Tag, that will help farmers better manage deer populations on their lands.

The program is designed to give farmers an extra option to handle deer damage in the early spring and fall, outside of the traditional big game hunting calendar. Hunters will be able to obtain up to four Red Tag permits per-property, making it consistent with the allocation to the Deer Management Assistance Program (DMAP).

The summer period during which Red Tag hunting is closed (currently May 16 – June 30) would be expanded to April 16 – July 31. Permits will be valid from August 1 through September 15 and then Feb. 1 through April 15.

Hunters would not be able to use Red Tag from May 16 to June 30, but would cumulatively have more potential days afield to use their permits. Permits would be issued for the license year that begins July 1 and runs through June 30.

It will become hunters' responsibility to report their successful harvest, not the landowner.

The program would also be open to all hunters, including those living out of state. Lastly, landowners would no longer need to enroll in the Game Commission's Hunter Access program before using the Red Tag program. These changes fulfill many Pennsylvania Farm Bureau policies in regards to the Red Tag program.

We will monitor the program to see how these changes are implemented and will advocate for other possible adjustments as needed. All of the changes to Red Tag will go into effect November 2022. In related news, the Game Commission also increased Doe Tag allocations for the 2022-2023 hunting season to 948,000 an increase of 23,000 tags from the previous hunting season.

DEP Extends Energy Efficiency Rebate Program for Farmers

The Pennsylvania Department of Environmental Protection has extended the deadline for its rebate program for farmers that assists with the cost of energy efficiency projects.

The Agriculture Energy Efficiency Rebate Program is offering rebates to defray the costs of installing LED lighting or variable frequency drives on the farm, which can save energy while saving money on utility bills.

The rebate program has expanded its list of eligible equipment to now include all energy efficient ventilation equipment (including fans, motors, and controls such as variable frequency drives) and milk pumping equipment (including pumps, motors, and controls such as variable frequency drives).

Applications will be accepted through June 30, 2022, on a first-come, first-served basis as long as funding is available. The available rebates will pay for 50% of the equipment costs, up to \$2,000. Total funding to any one applicant will not exceed \$5,000. Interested ag producers should apply for a rebate voucher prior to purchasing and installing the equipment.

DEP has up to \$10,000 available for this program through State Energy Program funding from the U.S. Department of Energy.

All applications must be submitted online through the Electronic Single Application system. For complete program guidelines and application instructions, visit the DEP agriculture and farming energy webpage.

Other Source Updates

DHS Extends COVID-19 Vaccination Requirements for Non-U.S. Travelers Entering the United States via Land Ports of Entry and Ferry Terminals

WASHINGTON – Today, the Department of Homeland Security (DHS) announced that it will extend temporary Title 19 requirements and continue to require non-U.S. travelers entering the United States via land ports of entry and ferry terminals at the U.S.-Mexico and U.S.-Canada borders to be fully vaccinated against COVID-19 and provide related proof of vaccination upon request. These requirements will continue to apply to non-U.S. travelers who are traveling both for essential and non-essential reasons, and do not apply to U.S. citizens, Lawful Permanent Residents, or U.S. nationals.

These requirements were extended in consultation with the Centers for Disease Control and Prevention (CDC) and several other federal agencies. According to CDC, vaccines remain the most effective public health measure to protect people from severe illness or death from COVID-19, slow the transmission of COVID-19, and reduce the likelihood of new COVID-19 variants emerging.

Non-U.S. travelers entering the United States via land ports of entry and ferry terminals, whether for essential or non-essential reasons, must continue to:

- verbally attest to their COVID-19 vaccination status;
- provide, upon request, proof of a CDC-approved COVID-19 vaccination, as outlined on the CDC website;
- present a valid Western Hemisphere Travel Initiative (WHTI)-compliant document, such as a valid passport, Trusted Traveler Program card, or Enhanced Tribal Card; and,

- be prepared to present any other relevant documents requested by a U.S. Customs and Border Protection (CBP) officer during a border inspection.

COVID-19 testing is not required to enter the United States via a land port of entry or ferry terminal.

The continuation of these requirements helps protect the health and safety of both the personnel at the border and other travelers, as well as U.S. destination communities, and ensures that public health measures governing land travel align with those that govern incoming international air travel. DHS will closely monitor all relevant circumstances, including the effect of these requirements, and may amend or rescind the requirements at any time. In determining whether and when to rescind this order, DHS anticipates that it will take account of whether the vaccination requirement for non-U.S. air travelers remains in place. This announcement does not affect requirements for entry into the United States by air.

To help reduce wait times and long lines, travelers arriving or departing from air, land, or sea ports of entry are encouraged to use the *Simplified Arrival* or *Mobile Passport Control* mobile applications, which use facial comparison technology for more expedient processing. Documented non-citizens may also apply for and manage their I-94s through the *CBP One™* mobile application, a single portal for accessing CBP mobile applications and services. – *Homeland Security Press Release April 27, 2022*

H-2A Temporary Ag Worker Demand Surges

(Washington, D.C.) Recently released data from the U.S. Department of Labor (DOL) reflects surging demand for temporary agricultural employees under the H-2A program. DOL data for the first two quarters of Fiscal Year 2022 indicate that program applications increased 17.5% over the previous Fiscal Year. At the same time, the total number of jobs certified by DOL's Office of Foreign Labor Certification (OFLC) for the same period jumped 16.5% to 193,273, for the first two quarters.

“Similar to other sectors of the U.S. economy, agricultural employers face an exceptional shortage of workers as America recovers from the pandemic,” noted Michael Marsh, President and CEO of NCAE. “Farm and ranch families need help filling these good paying temporary jobs that, on average, pay more than twice the federal minimum wage. Although employers advertise and recruit heavily to attract U.S. workers into these positions, the dwindling number of domestic applicants for these temporary positions has led to explosive growth in the number of temporary foreign workers needed to plant, nurture, and harvest food for our nation.”

Last fiscal year, more than 258,000 temporary foreign workers received H-2A visas to fill the more than 317,000 farm and ranch jobs for which no qualified, willing, and available domestic workers could be recruited. This was an increase of approximately 21% in the number of temporary foreign workers employed in the prior fiscal year in 2020. – *National Council of Agricultural Employers. Press Release. May 18, 2022*

Learn About Penn State's Latinx Ag Network

UNIVERSITY PARK, Pa. — Agricultural community members are from diverse backgrounds, with an increasing number being Latino/a. The Latinx Agricultural Network (LAN) is a Penn State College of Agriculture Community of Practice established to address this need, and at the beginning of the pandemic it established a Facebook page in Spanish, found here (Penn State Extension Agricultura en Español | Facebook).

The Agricultura en Español Facebook page directs Latinx stakeholders to innovative, knowledge-based resources in Spanish that can be easily accessed and shared.

Educational formats include interactive webinars, self-paced online courses, highly visual “Learn Now” videos, and seasonal updates and extension articles. Highlights include the following:

- Applied dairy management webinars in Spanish.
- Vegetable and small-fruit articles that share on-farm tour experiences along with production technologies such as high tunnels.
- Timely tree-fruit news releases and self-paced training resources for orchard employees and new growers.
- Timely field and forage crop recommendations and sentinel plot reports.
- Produce-safety education manuals, videos, and other training resources that farmers can use to train small groups of employees.
- A multi-team series of farm-to-consumer food system articles to protect agricultural business and employee health.

You will find additional information on the Latinx Agricultural Network, along with links to Extension resources in Spanish, at the LAN webpage (Latinx Agricultural Network — Penn State College of Agricultural Sciences (psu.edu)). – *Morning Ag Clips April 27, 2022*

PA Ranks Second in Value of Total Direct Food Sales, Says USDA

HARRISBURG, Pa. — Over 6,200 Pennsylvania farms produced and sold food locally through direct marketing practices, resulting in \$600 million in revenue in 2020, according to King Whetstone, director of the USDA's National Agricultural Statistics Service (NASS), Northeastern Regional Field Office. The data covers both fresh and value-added foods, such as meat and cheese.

The more than 40,000 U.S. farms that sold food directly to institutions and intermediaries brought in the most revenue at \$4.1 billion; this was followed by over 113,000 operations with direct-to-consumer

sales, such as on-farm stores and farmers markets, at \$2.9 billion. Sales directly to retailers accounted for \$1.9 billion from more than 24,000 operations nationwide.

The top five states by value of total direct food sales were:

- California, \$1.43 billion
- Pennsylvania, \$600 million
- New York, \$584 million
- Michigan, \$555 million
- Maine, \$342 million

Most farms that sold directly to consumers sold through outlets such as on-farm stores. Pennsylvania had over 5,000 operations engaged in direct-to-consumer sales earning \$152 million.

The survey results also showed that 78% of U.S. farms sold their direct-to-market produce exclusively within 100 miles of the farm, while an additional 19% sold partially within and beyond 100 miles.

Approximately 314,000 people were involved in making decisions for the farms that sold directly to consumers in 2020. Of these, 57% were men and 43% were women – a higher proportion of women than among all farms, according to data from the 2017 Census of Agriculture.

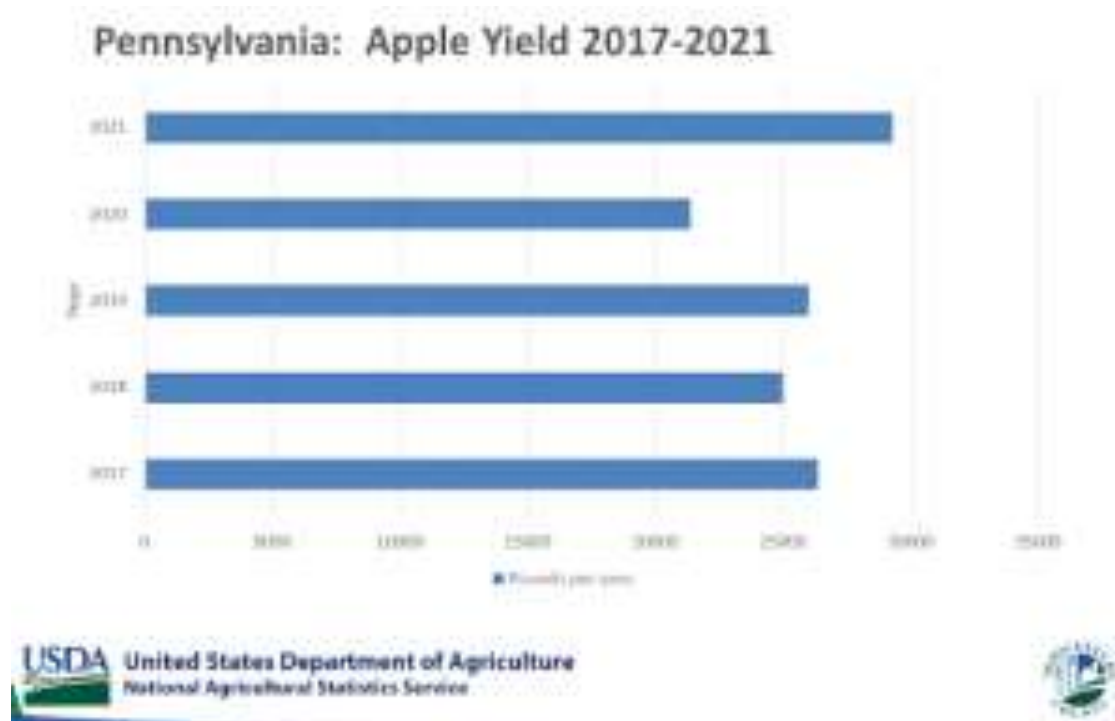
For additional survey results, visit www.nass.usda.gov/Surveys/Guide_to_NASS_Surveys/Local_Food/index.php or NASS's Quick Stats database at quickstats.nass.usda.gov. View the highlights at <https://www.nass.usda.gov/Publications/Highlights/index.php>

There will be a live Twitter Stat Chat, a question-and-answer session for the public, hosted by NASS's Environmental, Economics and Demographics Chief Tony Dorn about the Local Food Marketing Practices Survey results @usda_nass April 29, 2022 at 1 p.m. EDT. The public should include #StatChat in their questions. – *Morning Ag Clips. May 1, 2022.*

Record Yield for Apples in PA, Utilized Production up Significantly

HARRISBURG, Pa. — Pennsylvania's utilized apple production in 2021 totaled 556 million pounds, up 34% from 2020 according to King Whetstone, director of the USDA's NASS, Northeastern Regional Field Office. Bearing acreage was estimated at 19,000, down 3% from the previous year. The average yield was estimated at a record high 29,300 pounds per acre, up 7,900 pounds from the previous year. Of the total utilized production, 208 million pounds were for the fresh market and 348 million pounds were for processing. The value of the crop totaled \$130 million, up 42% from the previous season, with an average annual price of 23.3 cents per pound.

In the Commonwealth State, standard sized trees have been replaced with higher density trees and record yields are resulting. Excessive rain caused many to split contributing to more going to processing.



- *Morning Ag Clips. May 5, 2022*

Callery Pears: An Invader ‘Worse than Murder Hornets’

NEW ORLEANS (AP) — Stinky but handsome and widely popular landscape trees have spawned aggressive invaders, creating thickets that overwhelm native plants and sport nasty four-inch spikes.

Bradford pears and 24 other ornamental trees were developed from Callery pears — a species brought to America a century ago to save ravaged pear orchards. Now, their invasive descendants have been reported in more than 30 states.

“Worse than murder hornets!” was the tongue-in-cheek title of a U.S. Department of Agriculture webinar in 2020 about Callery pears including the two dozen thornless ornamental varieties sold since the 1960s.

One Indiana State resident discovered that four trees in his yard and one at a neighbor’s had spawned thousands on 50 acres (20 hectares) he was turning from cropland to woods in Otwell, a community of about 400 in southern Indiana.

Indiana is among 12 midwestern and western states that have reported invasions, though most are in the South and Northeast.

Without regular maintenance, fields near seed-producing trees can be covered with sprouts within a couple of years, said James "J.T." Vogt, a scientist at the U.S. Forest Service's Southern Research Station in Athens, Georgia.

Seedlings only a few months old bear spurs that can punch through tractor tires, said David R. Coyle, an assistant professor in Clemson University's Department of Forestry and Environmental Conservation.

The stench wafting from the tree's billows of white blossoms has been compared to perfume gone wrong, rotting fish, chlorine, and a cheese sandwich left in a car for a week. The trunks branch off in deep Vs, so after 15 to 20 years they tend to break in storms.

But Frank N. Meyer, an agricultural explorer who brought 2,500 species of plants including his namesake Meyer lemon to the USDA in the early 1900s, called the Callery pear wonderful, noting that it survived drought and poor soil.

At the time, a bacterial disease called fire blight was devastating U.S. pear orchards, University of Cincinnati researchers Theresa M. Culley and Nicole A. Hardiman wrote in a 2007 BioScience article about the plant's U.S. history.

And, just as researchers had hoped, grafting edible pears onto Callery roots produced blight-resistant fruit trees.

In 1952, USDA workers noticed a spikeless mutant growing among Callery pears started from seed. By grafting its cuttings onto roots of other Callery pears, they cloned an ornamental line they named Bradford pears. That variety was commercially available by 1962, Culley and Hardiman wrote.

Other seedlings grew into 24 more ornamental varieties. All are so pretty, hardy and insect-resistant that they were planted nationwide.

Bradford and other Callery ornamentals are the third most common trees of 132 species planted along New York City streets — more than 58,000 out of 650,000 as of 2015, the most recent count, said city parks department spokesman Dan Kastanis.

But the city is no longer planting them, Kastanis said. Neither is Newport News, Virginia, which got rid of its Bradford pears in 2005. South Carolina, Ohio and cities including South Bend, Indiana, have banned or are banning all commercial varieties of Callery pears.

Some states, including Missouri and Alabama, are asking homeowners and landowners to stop planting them or to cut existing ones down and apply herbicide to the stumps. Several, such as North

Carolina, offer free native trees to landowners who provide photos proving they have cut down Callery pears on their property.

For the USDA, which ordered Meyer to send Callery pear seeds from China, the nasty spurs and marble-sized, inedible fruit were irrelevant. What mattered was that the plant was resistant to fire blight.

Genetically identical pears don't produce seed, so botanists figured the cloned varieties were safe for ornamental use.

In 1971, the USDA even put out a brochure about their care, touting them as trees that bloom several times from spring through fall, thrive in many climates and soils, and don't attract plant pests.

Now, the USDA describes Callery pears as near ubiquitous and has been studying the best way to kill them.

Their adaptability is one reason they're so invasive. And their bug-resistant waxy leaves mean insect-eating birds don't come near them.

It turned out that, although trees of the same variety cannot produce seeds with each other, two different varieties within a pollinator's range can produce fruit that squishes on sidewalks and feeds starlings and robins, which spread the seeds widely. – *Morning Ag Clips*. April 25, 2022