

AG ISSUES UPDATE

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USApple updates

DOL Finalizes Changes to the H-2A Program

On October 6th, a preview copy of the final H-2A program rule was posted on the Federal Register website. The final rule is scheduled for official publication on October 12 with enactment 30 days later, November 11. Changes made under the rule will not impact workers who are already here or workers whose first date of need is before February 9, 2023.

The rule is nearly 600 pages long. USApple and legal counsel are reviewing the document and will share further analysis when it is available. Preliminary review indicates changes for farm labor contractors, and some changes to rules surrounding employer provided meals and housing standards in rental properties and hotels. This rule does not include changes to the calculation of the H-2A wage rate and potential disaggregation of job duties which has been an ongoing topic of discussion by the U.S. Apple Board of Directors and Government Affairs Committee. Potential changes to the H-2A wage rate calculation will be published in a separate rule which may be finalized before the end of the year.

History: This rule dates back to the summer of 2019 when the Trump Administration issued a proposed rule making significant changes to the H-2A program both from an administrative perspective and the methodology for calculating the adverse effect wage rate. Some of the proposed changes were helpful while others had the potential to further complicate the program. USApple filed comments on the original proposal in the fall of 2019.

In 2020, DOL published the AEWR portion of the rule. Soon after, a lawsuit brought by the United Farm Workers resulted in the sections dealing with the wage rate being enjoined by a Federal District Court. President Trump left office without finalizing either the program rule or the wage rule and the Biden Administration inherited both.

The Biden DOL reissued the wage portion of the original rule last December and USApple again provided comments. This was the proposal that had the potential to disaggregate wages and for example,

reclassify harvest workers as supervisors, equipment operators and other higher paid positions even if they only performed those tasks a few hours a week. USApple argued that a primary duty rule should be applied so that only workers who are brought in as supervisors or truck drivers for example would be paid as such.

The additional uncertainty and potential administrative burdens that these changes bring further underscores the need for legislative reform. The House of Representatives has passed the Farm Workforce Modernization Act twice. It is now up to the Senate. USApple is working on our own and with our coalition partners to urge the Senate action this year.

Bair Urges Senate Action on Ag Labor Bill

USApple President & CEO Jim Bair spoke last week at a press conference on Capitol Hill urging Senate action on the Farm Workforce Modernization Act. He joined Rep. Dan Newhouse (Wash.) and Rep. Mike Simpson (Idaho), as well as other agriculture industry leaders, as part of the American Business Immigration Coalition. [Click here to watch the press conference.](#)

USApple Launches 2023 Apples4Ed Grant Program

USApple has launched its 2023 Apples4Ed initiative—a grant program that supports healthy eating initiatives in public schools across the United States. USApple will fund five \$5,000 healthy eating initiatives on campuses in 2023. The 2023 Apples4Ed application can be found at Apples4Ed.com. Public schools with students enrolled in any grade from kindergarten through 12th are eligible to apply. Applications are due by January 25, 2023. Winners will be selected in February and announced in March and April of 2023.

Specialty Crop Block Grants Benefit Apple Growers

USDA recently announced it would award nearly \$73 million to State Departments of Agriculture to benefit specialty crop growers through the Specialty Crop Block Grant Program. Funded through the Farm Bill, the program was created in 2004 due to the efforts of the Specialty Crop Farm Bill Alliance (SCFBA) which USApple helped found. Funds are allocated to the states based on specialty crop production and apple states are among the top recipients with Washington receiving \$4.7 million, Michigan \$2.1 million and New York \$1.3 million. Apple growers have benefited from block grants which have been used for research projects, marketing, and food safety initiatives. With the current Farm Bill

set to expire next year, USApple is playing a leadership role in the SCFBA advocating for continued funding and improvements to key programs such as the block grants.

Farm Bureau Updates

CREP Program Opportunity Available for PA Farmers

Most Pennsylvania farmers have at least a few acres that are hard to farm: Too steep, too rocky, too shady, etc. And if that land is prone to flood, you risk losing all your work — and your profit — on those lands in any given year.

If you are working twice as hard to earn half as much on some of your land, then maybe it's time to investigate the Conservation Reserve Enhancement Program (CREP). In a nutshell, the Conservation Reserve Enhancement Program (CREP) pays farmers to retire and restore land that erodes easily or floods often. CREP is 100% voluntary for farmers. CREP is administered by the U.S. Department of Agriculture Farm Services Agency, and many Conservation Districts in Pennsylvania can help farmers get enrolled.

CREP helps landowners with projects like these in two ways. First, the CREP program reimburses much or all of landowners' costs to restore the land. Then, CREP pays a guaranteed annual rent for up to 15 years. This can allow a farmer to focus their efforts on their own best land. Many farmers use their rental payments to help lease more productive land to make up for the acres taken out of production.

If projects like these pique your interest, check out www.CREPPA.org. This website provides a user-friendly introduction to the program, with case studies, payment scenarios, and other information that can help you decide if CREP is a good fit for your farm. And you can schedule a consultation with a nearby CREP planner in just a few clicks.

Grants Available to Pennsylvania Farmer Veterans Through PA Farm Bill

Governor Tom Wolf announced that Pennsylvania's farmer-veterans have the opportunity to apply for grants of up to \$10,000 to meet their agricultural business needs.

“This grant program is designed to recognize the great commitment of Pennsylvania’s farmer-veterans: to love and defend their country and also to serve humanity by growing the food that we all need to survive,” said Gov. Wolf. “When I created the Pennsylvania Farm Bill we included funding dedicated to this group of Pennsylvanians. It’s a ‘thank you’ for their service and a commitment to better serving their needs as they serve ours.”

Through Gov. Wolf’s PA Farm Bill, the Department of Agriculture has awarded \$200,000 to two veterans’ service organizations which will offer the farmer-veteran grants. Grants of up to \$10,000 will be awarded for various agricultural business needs ranging from food safety and biosecurity planning, to equipment, marketing, or working capital.

Military veterans in Pennsylvania continue to join the agricultural community in a variety of ways. According to the U.S. Department of Agriculture’s Census of Agriculture, Pennsylvania is home to more than 7,000 military veterans identified as agricultural producers. This program aims to support their success in Pennsylvania’s \$132.5 billion agriculture industry.

Mental Health Resources Available

Research has found that many farmers are experiencing new stress and mental health concerns as a result of the COVID-19 pandemic, the farm economy and other pressures.

If you or someone you know is struggling or has concerns about their mental health, please **know that you are not alone and there is help available.**

There are unique factors that affect stress in the farming community as well as unique warning signs that someone is struggling. Those include:

- Change in routines or social activities
- Decline in the care of domestic animals
- Increase in illness or other chronic conditions
- Increase in farm accidents
- Decline in appearance of the farm
- Decreased interest in activities or events
- Signs of stress in children including struggles with school

Help and Resources Available:

- **National Suicide Prevention Lifeline:** Call 1-800-273-TALK (8255) or use the online chat at suicidepreventionlifeline.org/chat 24/7 for free and confidential support and to be connected with a skilled, trained counselor in your area.
- **Crisis Text Line:** Text HOME to 741741 for 24/7 support via text.
- **PA 211** is a United Way statewide partner which offers trained resource navigators who can tell farmers what services may be available in their area to help with a variety of health and human service needs, from utility or food assistance to mental health support. Visit www.pa211.org, dial **211** from any landline or cell phone, or text your zip code to **898-211**.
- **Avera Health Farm and Rural Stress Hotline:** Call 800-691-4336 to be connect with a skilled, compassionate mental health professional.
- **Substance Abuse and Mental Health Services Administration:** Call 1-800-662-HELP (4357) for treatment locators, SAMHSA's National Helpline, a Disaster Distress Helpline and other important information.

Find additional resources, learn tips for starting important conversations about mental health, and register for free rural resilience training by visiting farmstateofmind.org.

Additional Source Updates

FAO, U.S. Strengthen Commitment to Combat Global Food Insecurity

WASHINGTON — After attending the 77th session of the United Nations General Assembly (UNGA 77), QU Dongyu, Director-General of the Food and Agriculture Organization of the United Nations (FAO) traveled to Washington, D.C. for high-level meetings, marking his first mission to the U.S. capital since the start of the COVID-19 pandemic.

The United States is the single largest contributor to FAO's emergencies and resilience programs and continues to be among the most significant voluntary contributors to FAO overall. This year, the U.S. government (USG) has already provided to FAO a total of \$252 million in voluntary contributions. This is

one of the highest levels of contributions FAO has ever received in one year, substantially exceeding the U.S. voluntary funding for all of 2021.

During the Washington mission, Director-General Qu met with U.S. Department of Agriculture (USDA) Secretary Tom Vilsack. Among the many topics covered were the importance of science and innovation to agrifood systems, the central role of agriculture to mitigate climate change, and the urgent need to address global food insecurity. In all these areas, U.S. leadership in investment, science and diplomacy has been and will continue to be critical for progress.

Qu made the first visit ever by an FAO Director-General to the National Oceanic and Atmospheric Administration (NOAA), meeting with Administrator Richard Spinrad. During this meeting, the urgent need to step up the protection of marine environments, combat Illegal, Unreported, and Unregulated Fishing, and boost investments in ocean science was discussed. Both leaders agreed that the twin challenges of food security and environmental sustainability could be achieved with the right policies and technologies.

High-level consultations also took place with Juergen Voegelé, Vice President for Sustainable Development at the World Bank; Fayezul Choudhury, Chair of the Oversight Advisory Committee; U.S. Representative James P. McGovern, Co-Chair of House Hunger Caucus; and Ted McKinney, CEO of the National Association of State Departments of Agriculture.

Beyond his meetings, Qu took time while in the U.S. capital to visit two urban food systems. He visited the Urban Food Hub model run by the College of Agriculture, Urban Sustainability and Environmental Sciences at the University of the District of Columbia (CAUSES) which provides access to fresh food to nearby communities. He also visited the USDA People's Garden, an initiative to grow fresh, healthy food and support a resilient, local food system.

Prior to his mission in the U.S. capital, the Director-General visited drought-stricken Arizona with Ambassador Cindy McCain, the U.S. Permanent Representative to the UN Agencies in Rome, to see how data, innovation, governance and policy are central to generating sustainable solutions. Following the Washington, D.C. visit, Qu went to Leesburg, Indiana to meet with agriculture sector leaders to discuss innovative and digital solutions to transform global agrifood systems for food security, and the importance of cross-sector collaboration.

Rising global food crises and US Leadership

The Director-General's visit comes at a time when conflict, economic shocks, and weather extremes are affecting the way we produce, supply, and consume our foods. The war in Ukraine is a compounding factor, impacting the current and future access and availability of food. Hunger levels, already unacceptably high, are climbing. Last year, 828 million people were chronically undernourished, an increase of 150 million people in the last two years.

To combat food security crises in the most hard-hit areas, the USG recently announced \$220 million in additional voluntary funding to FAO to support emergency programs in Afghanistan, Ethiopia, and the West Africa and Sahel regions. The funds are also helping FAO coordinate fertilizer and input procurement in Sri Lanka, and promote fertilizer efficiency in Guatemala, Honduras, and Zambia through soil mapping.

Investing in agriculture and rural livelihoods can make a significant difference in the fight against hunger and malnutrition. Agricultural assistance, such as seed distribution and livestock care, has been proven to be seven to ten times more cost-effective than direct food assistance. Yet, as the Director-General pointed out, only eight percent of global food security funding in emergencies goes to assist agricultural production.

Longer-term, innovation will drive agrifood systems transformation. FAO with the support of the USG, is investing in database solutions and investments in resilience to help farmers to anticipate and prepare for disasters. The Data in Emergencies Hub was launched this year with the support of the USAID Bureau for Humanitarian Aid. The U.S. Department of Agriculture (USDA) recently provided additional funding for the Agriculture Market Information System (AMIS) to add oilseeds and fertilizers to the inter-agency platform, critical inputs for policymakers considering the recent spikes in energy, fertilizer, and food prices. – *Morning Ag Clips, September 26th, 2022*

National Agricultural Policy: USDA Announces \$1 Billion in ReConnect Funding for Rural Internet Expansion

On September 9, 2022, the U.S. Department of Agriculture (USDA) announced the availability of more than \$1 billion in loans and grants for rural high-speed internet expansion through the ReConnect Program. The application period opened on September 6, 2022, and closes on November 2, 2022. On

August 4, 2022, USDA's Rural Utilities Service published notice in the Federal Register announcing the 2022 ReConnect Program funding opportunity (87 FR 47690). Eligible applicants for the ReConnect Program are for- and nonprofit organizations in rural areas, including cooperatives, corporations/LLCs, state and local governments, and tribal governments and organizations. -*Penn State Agricultural Law Weekly Review September 19th, 2022*

Farmers Union Members Hold Legislative Fly-In

WASHINGTON – Last week, more than 250 Farmers Union members from across the country arrived in Washington, D.C., to advocate for family farmers. Over the course of the week, Farmers Union members attended hundreds of Congressional meetings, met with over a dozen federal agencies, and directly participated in discussions with Secretary of Agriculture Tom Vilsack, Federal Trade Commission chair Lina Khan, Assistant Attorney General Jonathan Kanter and Commodity Futures Trading Commission chair Rostin Behnam, among other leaders.

In his introductory remarks to Farmers Union members, Secretary of Agriculture Tom Vilsack said, “In many respects, National Farmers Union has been the architect and the designer of the work we are doing in this administration in terms of farm country and in terms of agriculture.”

“Competition in agriculture is critical. Too often, farmers and livestock producers have too few suppliers to buy from and too few buyers to sell to. Farmers and their families work incredibly hard and deserve to see the fruits of their labor and the American dream,” said Assistant Attorney General Jonathan Kanter of the Justice Department’s Antitrust Division in a Department of Justice press release. “[...] Protecting competition and the rule of law in agricultural markets is core to the work of the Antitrust Division, and we will vigorously enforce the antitrust laws in this area.” – *Morning Ag Clips, September 18th, 2022*