AG ISSUES UPDATE

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Farm Laborers to Receive Greater Protections Under Biden Administration Proposal

WASHINGTON (AP) — Immigrant farm workers would receive a raft of new protections under a Biden administration proposal to be announced Tuesday, which would boost safety requirements on farms and raise transparency around how such workers are brought to the U.S., to combat human trafficking.

The proposal would reform the H-2A visa program, under which hundreds of thousands of immigrants, mostly from Mexico, take on seasonal jobs in the U.S. agriculture industry. The number of people admitted under the program has soared in recent years, as rapid hiring after the pandemic and a low unemployment rate has left many farmers scrambling for workers.

Last year, about 370,000 people were admitted with H-2A visas, double the number in 2016 and five times as many as in 2005, Labor Department officials said. Yet as the popularity of the program has grown, so have concerns about abuses. Reports of overcrowded farm vehicles and fatalities have increased as the numbers have risen, senior department officials said.

The department is already required to ensure that the H-2A program doesn't undercut the wages or working conditions of Americans who take similar jobs. Employers are required to pay minimum U.S. wages or higher, depending on the region.

"This proposed rule is a critical step in our ongoing efforts to strengthen protections for farm workers and ensure that they have the right to fair and predictable wages, safe working conditions and freedom from retaliation," said Julie Su, acting secretary of Labor, in a statement.

The new rule, which is subject to a 60-day comment period, seeks to make it easier for labor unions to contact and interact with the H-2A workers, and to protect the workers from retaliation if they meet with labor representatives. The workers would be allowed to have visitors, including those from labor groups, in employer-provided housing, for example.

The rule would also require farmers who employ H-2A workers to provide seat belts on vans that are often used to transport workers long distances. Transportation accidents are a leading cause of death for farm workers, according to the department.

And in a step intended to counter human trafficking, employers would be required to identify anyone recruiting workers on their behalf in the U.S. or foreign countries and to provide copies of any agreements they have with those recruiters.

Another visa program, the H-2B, which allows temporary workers in fields other than agriculture, already includes similar requirements, department officials said.

"We're putting together a series of new protections or clarifying protections to make sure that workers in the program can really advocate on behalf of themselves, and that…will help prevent the problems that we're seeing with exploitative conditions," a senior Labor department official said. -*Morning Ag Clips, September 12th, 2023*

Farmland Preservation: Pennsylvania Announces $8.6 Million to Preserve 2,645 Farmland Acres

On August 25, 2023, Pennsylvania Governor Josh Shapiro announced that the state will spend $8.64 million under the state's Farmland Preservation Programs to preserve 2,645 acres of Pennsylvania farms. The funds secure the prohibition of future residential and commercial development on the farmland. The preserved lands, and correlating investments, are in the following counties:

- Adams ($197,885)
- Allegheny ($782,674)
- Beaver ($443,267)
- Berks ($261,416)
- Chester ($35,405)
- Columbia ($98,314)
- Cumberland ($527,830)
- Dauphin ($476,632)
- Erie ($167,886)
- Lackawanna ($264,606)
- Lancaster ($1,760,783)
- Lebanon ($416,258)
- Lehigh ($423,529)
- Lycoming ($196,827)
- Montgomery ($168,863)
- Northampton ($10,133)
- Union ($177,491)
- York ($701,603).

-*Penn State Ag Law Weekly Review, September 11, 2023*

RMA Announces Changes to Whole Farm Revenue Protection and Micro Farm Policies

WASHINGTON — The U.S. Department of Agriculture (USDA) has announced that it is improving crop insurance options for small and diversified farmers through improvements to the Whole-Farm Revenue Protection (WRFP) and Micro Farm insurance plans. These updates are part of USDA's Risk Management Agency (RMA) efforts to increase participation and access to crop insurance.

"The improvements to Whole Farm Revenue Protection and Micro Farm policies are a direct response from feedback we've received from producers" said RMA Administrator Marcia Bunger. "These are two of the most comprehensive risk management plans available, and they are especially important to specialty crop, organic, urban, and direct-market producers."

Improvements to WFRP for the 2024 policy year include:

- Allowing all eligible producers to qualify for 80% and 85% coverage levels.
- Allowing producers to purchase catastrophic coverage level policies for individual crops with WFRP.
- Expanding yield history to a 10-year maximum (from 4 years) for all crops not covered by another federal crop insurance policy.
- Making the policy more affordable for single commodity producers.
- Allowing producers to customize their coverage by choosing whether WFRP will consider other federal crop insurance policies as primary insurance when calculating premium and revenue to count during claim time.

Improvements to Micro Farm for the 2024 policy year include:

- Moving the sales closing date to a less busy time of year to help agents dedicate time to marketing the program. This is important specifically for producers that are purchasing Micro Farm for the first time as it provides additional time for agents to assist growers with important risk management decisions.
- Allowing producers to purchase other Federal crop insurance with Micro Farm.
- Allowing vertically integrated entities to be eligible for Micro Farm.
- Making the Expanding Operations feature available with Micro Farm.

About WFRP and Micro Farm:

WFRP and Micro Farm policies provide a risk management safety net for all commodities grown on a farm under one policy. Both policy options were designed to meet the needs of specialty, organic (both crops and livestock), or those marketing to local, regional, farm-identity preserved, specialty, or direct markets. The Micro Farm insurance plan is tailored for any farm with up to $350,000 in approved revenue, and WFRP covers any farm with up to $17 million in insured revenue. RMA introduced Micro Farm in 2021.

Currently, producers hold 1,784 WFRP policies covering $2.17 billion in liabilities, and they hold 93 Micro Farm policies covering $6.15 million in liabilities. -*Morning Ag Clips, September 3rd, 2023*

$266 Million Aims to Help Rural Business Owners, Farmers, and Ranchers

WASHINGTON — U.S. Department of Agriculture (USDA) Secretary Tom Vilsack has announced that USDA is awarding $266 million in loans and grants to agriculture producers and rural small businesses to make investments in renewable energy and energy efficiency improvements that will lower their energy costs, generate new income, and strengthen the resilience of their operation. This funding is made possible in part by President Biden's Inflation Reduction Act, the nation's largest-ever investment in combatting the climate crisis.

"Creating opportunity for rural communities means investing in farmers, ranchers, and small businesses," Secretary Vilsack said. "A key pillar of Bidenomics, President Biden's Investing in America agenda is ensuring our producers and business owners are not only a part of the clean energy economy but are directly benefitting from it. These once-in-a-generation investments in renewable energy, like wind and solar, and energy efficient technologies create new markets and deliver real cost savings for our small and mid-sized agricultural operations and Main Street businesses, building and keeping wealth in rural America."

USDA is investing $266 million in 1,334 renewable energy and energy-efficiency projects in 47 states, Guam and Puerto Rico. The Department is awarding the loans and grants through the Rural Energy for America Program (REAP), including funding from the landmark Inflation Reduction Act.

Since December 2022, USDA has made up to $1.3 billion available in REAP funding through the Inflation Reduction Act. Eligible applicants include rural small business owners and agricultural producers. The program is part of the Justice40 Initiative, which is working to ensure that 40 percent of the benefits of certain federal investments reach communities that are marginalized, underserved and overburdened by pollution and underinvestment.

The funding announced today is part of President Biden's Investing in America agenda, a key pillar of Bidenomics, to grow the American economy from the middle-out and bottom up – from rebuilding our nation's infrastructure, to driving over $500 billion in private sector manufacturing and clean energy investments in the United States, to creating good-paying jobs and building a clean-energy economy that will combat climate change and make our communities more resilient.

For example:

- Verde Light Community Solar LLC in Ontario, Oregon will use a $1 million grant to purchase and install a 4.51-megawatt solar photovoltaic renewable energy system. The new system will produce enough energy to power 440 homes per year and is expected to generate $557,000 in income annually for the company.
- D & M Farm Ventures LLC, a chicken broiler operation in Quarryville, Pennsylvania, will use a $130,500 grant to purchase and install a 198-kilowatt solar photovoltaic system. This project is expected to generate approximately $10,800 per year.
- Leonard Road Thorndike Solar LLC in Thorndike, Maine will use a $1 million grant to install a 1.58-megawatt solar array expected to offset over 950,700 pounds of coal, reducing carbon emissions by 859 metric tons annually. This project will also help the business generate nearly $358,000 annually.

USDA is making awards in Alabama, Alaska, Arkansas, Arizona, California, Colorado, Connecticut, Delaware, Georgia, Hawaii, Iowa, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Maryland, Michigan, Minnesota, Missouri, Mississippi, Montana, North Carolina, North Dakota, Nebraska, New Jersey, New Mexico, Nevada, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Vermont, Washington, Wisconsin, West Virginia, Wyoming, Guam and Puerto Rico.

The Department expects to make additional awards in the coming months.

USDA continues to accept applications and will hold funding competitions quarterly through Sept. 30, 2024. The funding includes $144.5 million for underutilized renewable energy technologies. For additional information on application deadlines and submission details, see page 19239 of the March 31 Federal Register.

Background: Inflation Reduction Act

As a core pillar of Bidenomics and the President's Investing in America agenda, the Inflation Reduction Act makes the largest investment in climate action in history and is lowering energy costs, bringing opportunity to communities across America and tackling the climate crisis through investments in agriculture, forest restoration, and rural communities.

The Biden-Harris Administration championed the Inflation Reduction Act to help provide new funding and unprecedented incentives to expand clean energy, transform rural power production, create jobs and spur economic growth. It is the largest single investment in rural electrification since the Rural Electrification Act of 1936.

Through the Inflation Reduction Act, the Administration is delivering on its promise to fight climate change and reduce greenhouse gas emissions across America.

It provides funding to USDA Rural Development to help eligible organizations invest in renewable energy infrastructure and zero-emission systems and make energy-efficiency improvements that will significantly reduce greenhouse gas emissions.

It will boost the long-term resiliency, reliability and affordability of rural electric systems. It will help families save money on utility bills, and it will expand rural opportunities in the clean- energy economy. - *Morning Ag Clips, August 31st, 2023*