

Pennsylvania



Farm Bureau

118th Congress

2023 Outlook



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About Us



Member showing a legislator's staffer the impact of drought on his crops.



PFB members voting on policy resolutions at the 2022 Annual Meeting.



The Painterland Sisters, Tioga County, holding one of their calves.

Pennsylvania Farm Bureau (PFB) is the state's largest general agriculture organization representing over 30,000 members of all sizes and commodities. Farm Bureau members are leading together from the grassroots up. The direction of our organization and our stances on issues are shaped by the men and women of PA agriculture. PFB members join one of our 54 county Farm Bureaus, voice their concerns, and draft policy to better the future of agriculture. We emphasize agriculture's bipartisan and unifying qualities because connecting rural and urban communities is another part of mission. PFB members educate the public on where their food comes from because it is crucial that our society understands how much goes into creating a nutritious and fresh meal. We also want to help expand access to fresh, local foods for urban communities. PFB truly lives out its mission by using agriculture to connect rural and urban America, and by generating effective policy to improve the industry for future generations.

Mission

Growing Communities.

Many Voices.

United Vision.

Vision

People united around food,
environment, and community.

Values

- Community-engaged
- Integrity
- Leading
- Member-driven
- Unifying

Our President's Perspective



To our members, PFB is looking forward to another two years of seeing our grassroots efforts in action and you advocating for current, prospective, and beginning agriculture producers. To the newly-elected 118th Congressional Members, welcome and we are excited to start building relationships with your office. To the re-elected Members, we are anxious to start building upon the conversations from last Congress and seeing what new ideas come from the 118th Congress.

As PFB's President, I always stress the need for agriculture to remain bipartisan because you often hear this saying: "Everyone needs to eat." No matter who you are representing, they are impacted by production agriculture. Our members are the ones providing the nation and other countries with food, fiber, and fuel. Countless hours go into making sure grocery store shelves are stocked for consumers. COVID-19 made many consumers appreciate their local farmers because we saw what happens when our supply chain falls apart and food insecurity rises. PFB relies on Congress to invest in the agriculture industry by drafting meaningful and effective policy to allow producers and processors to be more productive. The more barriers there are for agriculture's producers and processors, the greater risk of food insecurity.

For consumers to truly grasp the issue food security, they first need to understand the process of how it gets on the shelves. Our farmers, ranchers, and foresters work tirelessly to produce fresh produce, quality meats, and restore woodlands. Their livelihood is much bigger than just a job. American families rely on the agriculture industry for the basic necessities in life. PFB will remain dedicated to collaborating with our legislators to educate their constituents, starting at the elementary school level, on the origin of their food, clothing, and furniture.

I cannot end without recognizing PA's agricultural producers for their innovative practices to better the environment. Conserving productive farmland for future generations is a primary objective for our members because a majority of them are family farms. In order for their family farm's legacy to continue, they know using techniques to reduce pollutants and contaminants in the air, water, and soil is needed.

In closing, I look forward to seeing PFB's members and Congress work together the next two years to pass legislation to keep families fed and American agriculture competitive.

A handwritten signature in blue ink, appearing to read "Chris Hoffman".

Chris Hoffman
PFB, President

Summary

Every year, Farm Bureau members across the nation meet to discuss and vote on policies affecting their farms and communities. These same policies set the agenda for state Farm Bureaus and the American Farm Bureau. Our grassroots process gives strength to Farm Bureau and helps us advocate on behalf of our farmers.

PFB's Board of Directors approved the following as their federal priorities for the 2023 calendar year: agricultural labor, dairy, farm bill, PFAS, sustainability/climate, and waters of the United States. Addressing these issues are critical for continued success of agriculture and our farmers. Farm Bureau looks forward to working with the 118th Congress and the Administration to address these issues.

This document provides an overview of these issues as well as our goals. Following the summary are individual papers on each 2023 priority. Additional issue papers are available upon request. For further policy insight and analysis, please visit AFBF's *Market Intel* page at: <https://www.fb.org/market-intel>.

Agricultural Labor

U.S. agriculture faces a critical shortage of workers every year, as citizens are largely unwilling to engage in these rigorous activities and guestworker programs are unable to respond to the marketplace. This situation makes our farms less competitive with foreign farmers and less reliable for the American consumer. Securing a reliable and competent workforce for our nation's farms is essential to agriculture and to the U.S. economy.

Farm Bureau will work to:

- Achieve meaningful legislation that helps farmers meet their labor needs.
- Update H-2A rules to enhance farmers' ability to hire the workers they need.

Dairy

Dairy is an important part of the agriculture industry, and plays a critical role in Pennsylvania's economy, generating \$14.7 billion in annual revenue and more than 52,000 jobs. Dairy also plays an important role in diets, because it contains nine essential nutrients, and is a good source of protein. While these facts are compelling, the dairy industry has also been greatly challenged in recent years.

Farm Bill will work to:

- Advance Modified Bloc Voting as the first step toward Federal Milk Marketing Order Reform.
- Increase access to higher fat milks in schools.
- Seek FDA enforcement of food standards regarding the labeling of dairy products, and measures that would prohibit the misleading labeling of nut- and plant-based food products as "milk" or other common dairy names.

Farm Bill

The farm bill is omnibus, multi-year authorizing legislation that governs an array of agricultural and food programs. It is renewed every five years. Farm bill has two types of funding – mandatory and discretionary. Mandatory program funding is based on the five-year budget estimate. Discretionary programs are not funded in farm bill, rather Congress determines those funds through separate legislative actions. The 2018 farm bill contained 12 titles encompassing commodity price support, crop insurance, farm credit, trade, conservation, research, rural development, energy, and foreign and domestic food programs, among others. The 2018 farm bill was signed into law in December 2018 and expires September 2023. It brought another five years of certainty to farm families; upheld fiscal responsibility by being budget neutral; improved risk management programs; protected crop insurance; funded much-needed trade development; and invested in the future with funding for ag research and beginning farmer programs. If Congress does not implement a new farm bill or extend the 2018 Farm Bill, then all the programs would return to the 1949 Farm Bill. Thus, it is crucial to pass the 2023 Farm Bill on time.

Farm Bureau will work to:

- Increase baseline for farm bill program spending.
- Maintain a unified farm bill which keeps nutrition programs and farm programs together.
- Ask that any changes to current farm legislation must be an amendment to the Agricultural Adjustment Act of 1938 or the Agricultural Act of 1949.
- Prioritize risk management tools and funding for both federal crop insurance and commodity programs.
- Ensure adequate USDA staffing capacity and technical assistance.

PFAS

Farm Bureau shares the health and safety concerns over PFAS. PFAS chemicals are used in everything from stain-resistant clothing and furniture to cookware and food packaging, which has led to detections in soil and water. Farmers have not knowingly used Perfluorooctanoic acid (PFOA) and Perfluorooctanesulfonic acid (PFOS), in their operations. PFOA and PFOS have been voluntarily phased out by U.S. manufacturers, and the Food and Drug Administration (FDA) regularly tests food for PFAS to ensure unacceptable levels do not enter the market. Since PFAS chemicals are known as “forever chemicals,” they do not easily break down over time. However, as mitigation efforts move forward, farmers should not be held responsible for the presence of PFAS chemicals, which they did not produce or intentionally use.

Farm Bureau will work to:

- Create an indemnification fund for agriculture producers and landowners with financial losses due to PFOS/PFAS contamination.
- Ensure producers and landowners are not held liable for the cost of a PFAS contamination site clean up that was not intentionally caused by them.
- Support research into strategies for mitigating the health risks related to PFAS contamination.

Sustainability/Climate

U.S. farmers are at the forefront of climate-smart farming, and utilizing scientific solutions, technology, and innovation to work to protect our land, air, and water. They are producing more food, renewable fuel, and fiber than before. At the same time, farmers are using less water, protecting against erosion, conserving more soil, avoiding nutrient loss, increasing wildlife habitat, and improving biodiversity. In fact, U.S. agriculture would have needed nearly 100 million more acres 30 years ago to match today's production levels. Farmers are looking for solutions to strengthen this essential industry and improve our sustainability, but farmers cannot tackle this alone.

Farm Bureau will work to:

- Ensure that environmental sustainability efforts also ensure economic sustainability for farmers.
- Provide voluntary, market-based incentive tools and technical assistance for farmers and foresters to enhance carbon sequestration and other greenhouse gas emissions reductions using scientifically sound standards.
- Foster the development of private sector ecosystem services markets.
- Increase public awareness of agricultural advances in conservation and climate-smart practices.

Waters of the United States (WOTUS)

The definition of WOTUS has been the subject of controversy and multiple Supreme Court decisions over the years. The challenge is how a WOTUS is defined, and how that definition impacts the ability of farmers and landowners to use their land. The issue is of significant concern to many, especially to farmers. In December 2022, the EPA and the Army Corps finalized a new rule that would roll back the successful Navigable Waters Protection Rule and replace it with an updated version of the pre-2015 regulatory regime.

Farm Bureau will work to ensure that:

- The Agencies produce a rulemaking that respects Supreme Court precedent and Congressional intent.
- Any rulemaking provides clarity and certainty.
- Landowners are able to understand when they need CWA §404 permits, including where federal jurisdiction ends and state jurisdiction begins.
- Farm Bureau members can navigate the permit process or know when to obtain the services of environmental consultants and legal counsel.

Agricultural Labor Reform

Contact: Bailey Thumm | Federal Affairs Specialist | bmthumm@pfb.com

Overview

It has been over 30 years since the U.S. has passed meaningful legislation to improve agriculture producers' ability to maintain a reliable workforce. Many industries were hit hard with labor shortages on the onset of COVID-19, but the agriculture industry has been struggling with the problem long before the pandemic. It is difficult to find domestic workers who are willing and able to complete agricultural producers' physically demanding jobs. The lack of a domestic workforce, the reverse migration of workers from the U.S. to Mexico, mandatory e-Verify, and an impractical H-2 visa program are all reasons why a new approach is needed to agricultural labor. The U.S. economy and national security relies on Congress passing a long-term, effective agriculture workforce solution. A more dependable agricultural workforce will enable the industry to help reduce the current record-high inflation and ensure American consumers get their products in a cost-effective and timely manner. An alarming prediction by USDA's Economic Research Service showed the U.S. being a net importer of agricultural goods in fiscal year 2023¹. This can be linked to not having a reliable agricultural workforce. Furthermore, food security is national security. Farm and ranch families comprise less than 2% of the U.S. population. The global population is expected to increase by 2.2 billion by 2050, which means the world's farmers will have to grow about 70% more food than what is now produced². The U.S. cannot afford to lose the positive impact agriculture has on the economy and cannot risk not being able to feed the growing population.

Legislative Background

In March 2021, the House passed H.R. 1603, the Farm Workforce Modernization Act (FWMA) with a bipartisan vote of 247 – 174. AFBF did not support the legislation as it did not meaningfully address concerns with the adverse effect wage rate (AEWR), the number of visas for year-round producers was unrealistic, it mandated E-Verify, and granted H-2A workers a federal private right of action under the Migrant and Seasonal Agricultural Worker Protection Act. AFBF was relying on the Senate's lead negotiators, Senators Bennet (D-CO) and Crapo (R-ID), to resolve the shortcomings of the FWMA. After more than a year of negotiations, Senator Crapo left the table and Senator Bennet introduced legislation titled, the *Affordable and Secure Food Act*, in December 2022. AFBF believed Senator Bennet's proposal was an improvement over the FWMA, but it was not a solution which met today's farm and ranch labor demands from day one. For that reason, AFBF did not support the proposal and sought some additional improvements. AFBF's main concerns with the *Affordable and Secure Food Act* are wages, visa caps, legal services, and e-Verify. The intent was for the legislation to be included in the omnibus. However, the FY 23 omnibus passed on December 23, 2022, without the *Affordable and Secure Food Act*.

Problems with the Current System

First, one of the major problems with agricultural labor is only seasonal growers have access to H-2A visas. PA is known for their dairies and mushrooms, but these producers do not benefit from the H-2A

¹ <https://www.ers.usda.gov/topics/international-markets-u-s-trade/u-s-agricultural-trade/outlook-for-u-s-agricultural-trade/>

² Economy and national security quantitative data taken from AFBF's Food and Farm Facts Book (2021 edition).

visas since they are considered year-round growers. The agriculture industry is not seasonal. Farmers, ranchers, and foresters are working year-round regardless of their commodity.

Second, the AEWR poses a threat to agricultural employers' financial ability to maintain operations. The AEWR is a minimum wage that H-2A employers must pay their foreign workers, and it is determined by the U.S. Department of Labor (DOL). The purpose of the AEWR is to ensure guest worker wages will not weaken the wages of domestic workers. Fundamentally, the AEWR does not make sense since there are not nearly as many domestic workers as foreign workers in agriculture. In December 2021, DOL issued a proposed rule to change the methodology used to calculate the AEWR for the H-2A program. AFBF opposed the rule due to its administrative burden and the harmful impact of increased labor expenses for farmers³. The final rulemaking is still pending. In December 2022, DOL announced the AEWRs for 2023. The wage rates are derived from the Farm Labor Survey. The 2023 AEWR will increase as high as 15 percent. Having said that, no state will have an AEWR below \$13/hour. As the AEWRs continue to rise, it is making it more difficult for American farmers to stay in business.

Third, AFBF has concerns with mandatory e-Verify due to requiring agricultural employers to use the system without first having a feasible agricultural guest worker program. e-Verify is a federal, online system used to determine authorization to work in the U.S. By using enforcement-only reform, which includes border security, interior enforcement, and e-Verify, Farm Bureau economists estimate agricultural production would fall by \$70 billion. Additionally, food prices would increase 5 to 6 percent. AFBF believes federal mandates on employers to implement e-Verify should be straightforward and timely, but Congress should address the agricultural guest worker programs first.

Farm Bureau Policy

Farm Bureau supports a clear path for experienced farm employees to work legally in the U.S. Farm Bureau believes agricultural labor reform must include the following two elements:

1. **Agricultural Worker Program:** An uncapped Agricultural Worker Visa Program (AWP) that is open to all segments of agriculture (year-round and seasonal producers/growers) and is flexible enough to provide for the differing needs of farmers and ranchers. Such a program would allow workers to apply for positions "at-will" but also permit employers who wish to contract for such labor. It would be administered by USDA, would not impose burdensome requirements on employers and would also include a fair, economic wage structure for employees.
2. **Current Workforce:** To minimize the impact on current economic activity, AFBF supports an adjustment of status for experienced but unauthorized agricultural employees and their immediate family who currently reside in the U.S.

More Information

- AFBF Agricultural Labor: <https://www.fb.org/issue/labor>

³ PFB Comments on DOL's Adverse Effect Wage Rate rule 1/31/2022: <https://pfb.com/employment-and-training-administration-department-of-labor-docket-number-eta-2021-0006-pfb/>



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Overview

Dairy is an important part of the agriculture industry, and plays a critical role in Pennsylvania's (PA) economy, generating \$14.7 billion in annual revenue and more than 52,000 jobs. Dairy also plays an important role in diets, because it contains nine essential nutrients, and is a good source of protein. While these facts are compelling, the dairy industry has also been greatly challenged in recent years.

Background

Declining Number of Licensed Dairy Herds

Currently, there are roughly 5,200 dairy farms in PA. However, volatile markets, declining milk prices, increased milk production worldwide, trade impacts, weather challenges, reduced consumption, and a global pandemic have led to dire straits in the dairy industry. Farmers are selling their herds and going to commodities that are more profitable and require less rigid schedules. USDA's [January 2022 milk production report](#) showed that from 2020-2021 the dairy industry showed another decline in licensed dairy herds.

- Pennsylvania has lost 1,450 dairies from December 2016 to December 2021.
- The Northeast lost 629 dairies in 2021, with Pennsylvania having the high loss of 230.

Decreasing Consumption of Fluid Milk and Dairy Products

Milk price volatility, the proliferation of alternatives to milk, reduced consumption of cereals, and government policies limiting school milk options all contributed to the decline in milk sales. The Executive Order to prohibit offering whole and flavored milk in schools had a drastic impact on farmers, processors, and consumers. Whole milk is more profitable for farmers, so their income dropped and made the commodity less prosperous. Pediatricians have also determined that the ingredients in whole milk are needed for healthy development in children. Consider these facts about decreasing consumption of fluid milk and dairy products:

- From 1970 to 2019, the daily per capita milk consumption decreased by 49 percent.
- The Dietary Guidelines for Americans, 2020-2025, recommends individuals consume 2 to 3 cup equivalents of dairy products per day depending on age, gender, and physical fitness. Only 10 percent of the U.S. population meets that recommendation.

Federal Milk Marketing Orders

The Federal Milk Marketing Order program has not undergone substantial changes in almost two decades. Farm Bureau is concerned about the large imbalances in the pricing and pooling of milk, which have recently cost dairy farmers hundreds of millions of dollars. COVID-19 caused

unprecedented volatility in milk markets and highlighted the urgent need for the industry to consider ways to modernize the FMMO system. Farm Bureau does not want to re-create the system, rather modernizing will fix the major problems without eliminating what is currently working. Modified bloc voting is the first step to obtaining FMMO reform.

Farm Bureau believes that dairy farmers should have an opportunity to directly vote on FMMO issues as they impact milk prices and farm profitability. Currently, only dairy farmers who are independent and not members of cooperatives may cast individual ballots. Cooperatives may allow their members to vote independently, but then lose their ability to bloc vote on behalf of their non-participating members. Modified bloc voting would allow for coop members to be able to vote independently and confidentially, while allowing cooperatives to cast ballots for farmers who choose not to vote individually.

Dairy in the 118th Congress

PFB has dairy as a top priority both at the state and federal levels due to the impact the commodity has on the Commonwealth. During the 118th Congress, PFB has three dairy objectives.

1. Allow schools to offer whole and flavored milk in schools.
2. Make substantial progress on FMMO reform.
3. Require the FDA to prohibit the misleading labeling of nut- and plant-based food products as “milk”. Farm Bureau supports almond, soy, and oat farmers but at the end of the day factual consumer transparency comes before anything.

As bills are introduced on these objectives, PFB will update offices ASAP.

More Information

- AFBF Federal Milk Marketing Order Reform: <https://www.fb.org/issue/farm-policy/federal-milk-marketing-order-reform>
- 2022 AFBF Dairy Working Group Report: https://www.fb.org/files/2022_AFBFDairyWorkingGroupReport.pdf
- Canada Must Abide by USMCA Dairy Commitments: <https://www.fb.org/news-release/canada-must-abide-by-usmca-dairy-commitments>
- Overview of Dairy Programs in the Farm Bill: <https://www.fb.org/market-intel/overview-of-dairy-programs-in-the-farm-bill>
- Federal Milk Marketing Order Forum Successfully Brings Sector Together: <https://www.fb.org/newsroom/fmmo-forum-successfully-brings-sector-together>
- Reviewing Participation in Dairy Risk Management Programs: <https://www.fb.org/market-intel/reviewing-participation-in-dairy-risk-management-programs>
- Strong Dairy Prices Overshadowed by Farm Operating Expenses: <https://www.fb.org/market-intel/strong-dairy-prices-overshadowed-by-farm-operating-expenses>
- A Guide to Class I Milk Formula Options: <https://www.fb.org/market-intel/a-guide-to-class-i-milk-formula-options>

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A Glance at PA in the Farm Bill

Pennsylvania Agriculture

52.7k Farms
with 7.3m
Acres



1.5m jobs
supported
by Ag



Agriculture's Impact

\$262.4b Food & Ag
Economic Output



Farmland Makeup

4.6m
Cropland
Acres



1.4m
Forestland
Acres



706.1k
Pastureland
Acres



Risk Management

1.1m Crop
Insurance Acres



Conservation Efforts

180k+ Acres



Nutrition by the Numbers

418m SNAP Benefits



SNAP: Feeding Pennsylvania

153.4m Meals Provided



PFB's Goals & Priorities

A unified Farm Bill with farm and nutrition programs that meets the needs of producers, processors, and consumers in rural and urban communities.



Dairy
Title I



Conservation
Title II



Nutrition
Title IV



Crop Insurance
Title XI

Overview

Farm bill is the most important piece of U.S. legislation for agriculture. Every five years Congress has the power to grow U.S. agriculture so that our farmers, ranchers, and foresters have a viable and competitive industry. Producers and processors are not the only ones impacted by farm bill, rather American consumers also rely on a robust farm bill to ensure they will be able to put food on the table. The 2023 Farm Bill must be passed by September 30th to ensure food security, which is national security.

Background

The first farm bill was passed in 1933 as part of President Franklin D. Roosevelt's New Deal. It was an omnibus, multiyear law that provided agriculture and food programs. It was a reaction to help alleviate farmers and consumers from the Great Depression and the Dust Bowl. Farm bill has two types of funding – mandatory and discretionary. Mandatory programs typically dominate the debates, and the funding is based on the five-year budget estimate. Discretionary programs are not funded in farm bill, rather Congress determines those funds through separate legislative actions. The current farm bill, the [*Agriculture Improvement Act of 2018*](#), consists of twelve titles and is set to expire on September 30, 2023. If Congress does not implement a new

2018 Farm Bill Titles

Title I, Commodities and Disaster: Provided support to eligible producers for major commodity crops, including dairy as well as disaster assistance.

Title II, Conservation: Offered voluntary conservation programs that farmers and ranchers may use to better the environment.

Title III, Trade: Supported U.S. agricultural export programs and global food assistance programs.

Title IV, Nutrition: Provided nutrition assistance for low-income households.

Title V, Credit: Provided direct government loans and guarantees for agriculture producers.

Title VI, Rural Development: Created and further established competitive advantages in rural areas.

Title VII, Research: Funded agricultural research in land grant institutions in every state.

Title VIII, Forestry: Supported USDA's Forest Service programs.

Title IX, Energy: Promoted the development of renewable energy systems in the agriculture industry.

Title X, Horticulture: Specifically supported specialty crops including organic and local foods.

Title XI, Crop Insurance: Provided risk management tools for producers by funding RMA's Federal Crop Insurance Corporation.

Title XII, Miscellaneous: Included livestock programs, assistance for underserved or beginning producers, and various other provisions.

farm bill or extend the previous legislation, then all the programs would return to the 1949 Farm Bill. This would be devastating to producers, processors, and consumers. Commodity support programs would not have proper funding, and many Americans relying on nutrition assistance would be frantically searching for affordable options. Farm Bureau looks forward to providing input for improvements to the 2023 Farm Bill. Successful farm bills are always bipartisan in nature. Farm Bureau will help bridge the political divides and work with Congress to get a 2023 Farm Bill enacted before the end of the year.

American Farm Bureau Federation's Priorities

American Farm Bureau Federation's (AFBF) farm bill priorities are established via the Farm Bill Working Group. This working group is comprised of state Farm Bureau members and staff from across the nation. At AFBF's 2023 Convention, voting delegates finalized and approved the list of priorities. A key takeaway from AFBF's priorities is the goal is to meet the needs of producers, processors, and consumers. The full list of priorities can be found here: <https://www.fb.org/files/2023-Farm-Bill-Priorities-FINAL-23.0119.pdf>

Northeast State Farm Bureaus' Priorities

The Northeast Farm Bureau region consists of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia. Together these state

Farm Bureaus examined AFBF priorities and compiled a list of priorities specific to the

AFBF Priorities

- Increase baseline for farm bill program spending;
- Maintain a unified farm bill which keeps nutrition programs and farm programs together;
- Any changes to current farm legislation must be an amendment to the Agricultural Adjustment Act of 1938 or the Agricultural Act of 1949;
- Prioritize risk management tools and funding for both federal crop insurance and commodity programs; and
- Ensure adequate USDA staffing capacity and technical assistance.

Northeast State Farm Bureaus' Priorities

- Remains a united bill with funding for both farm programs and nutrition programs.
- Ensures the important acknowledgement that agriculture and food/nutrition policies go hand in hand and without farm policy, we lack nutrition policy.
- Investment in farm bill programs that allows for producers and processors to be profitable while supplying consumers with the benefits of high-quality, affordable food.
- Rural, suburban, and urban Congressional members collaborating in a bipartisan manner on the different titles to draft one successful Farm Bill for every American.

Northeast. Each region and state will have a different outlook on the farm bill, so we wanted to provide a sub-set of priorities based on geographic location.

The consensus from the Northeast state Farm Bureaus was a “unified” farm bill. Unifying farm and nutrition programs is going to be a main focus for the Northeast state Farm Bureaus in the 2023 Farm Bill. The priority of the Northeast state Farm Bureaus that stands out from AFBF is bridging the divide between rural and urban communities through the farm bill. Northeast state Farm Bureaus thought of their major cities like Philadelphia, Pittsburgh, New York City, Baltimore, and Boston. We plan to use the 2023 Farm Bill to teach urban communities about where their food comes from and encourage them to grow some of their own. Read the full list of the Northeast state Farm Bureau priorities here: https://pafarmbureau-my.sharepoint.com/:w:/g/personal/bmthumm_pfb_com/EUTURV16m0tAhWy0Is40zUEBWr_yXyzSSjGa_kJT_Xl52A?rttime=T4WxDP4F20g

Pennsylvania Farm Bureau’s (PFB) Priorities

Title I



Title II



Title IV



Title XI



Title I – Dairy is a crucial aspect because it is the Commonwealth’s top commodity. We must assure our dairy farmers are profitable, so new and beginning producers find the commodity attractive. On the other hand, we must find economic incentives for more dairy processors to build plants in the U.S.

Title II – Agriculture producers are leaders in environmental-friendly initiatives to improve air, water, and soil quality. Most raise their family on the same land that they farm, so it is commonsense for them to reduce impacts to the environment on their property as much as possible. Adequate conservation funding for voluntary programs will allow for them to continue innovating and using technology to better the environment. However, the government should not be mandating these programs when agriculture producers are already stewards of the environment.

Title IV – No person should have to worry about whether they will have food. Nutrition programs, such as SNAP, are there to help individuals and families when life throws a

curveball and hard times arise. PFB supports the nutrition programs being included in farm bill because it truly exemplifies the impact the legislation has on every single person.

Title XI – Crop insurance in the farm bill needs strengthened and improved. The Department of Environmental Protection (DEP) declared a drought watch for 36 out of 67 counties, during last year’s growing season. This impacted several operations and left those producers scrambling to try and break-even due to the severe decrease in crop yields across the state. Farmers rely on the different crop insurance programs for when natural disasters hit, like the drought this past summer.

Why Farm Bill Matters in PA

- ✓ 52,700 farms with 7.3 million acres
- ✓ 1.5 million jobs supported by ag
- ✓ \$262.4 billion in food and ag economic output
- ✓ 1.1 million crop insurance acres
- ✓ Over 180,000 acres in farm bill conservation programs
- ✓ 1.8 million individuals and 970,200 families using the nutrition programs

More Information

- AFBF’s Farm Bill website: <https://www.fb.org/issue/farm-policy/farm-bill>
- Congressional Research Service’s Farm Bill Primer: [https://crsreports.congress.gov/product/pdf/IF/IF12047#:~:text=Using%20this%20projection%20for%20the,\(FY2023%2DFY2032\)%20\(Figure](https://crsreports.congress.gov/product/pdf/IF/IF12047#:~:text=Using%20this%20projection%20for%20the,(FY2023%2DFY2032)%20(Figure)

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Overview

Farm Bureau supports the protection and restoration of land and groundwater across the United States. Specifically, farmers support the protection and restoration of land and groundwater and the efforts that EPA is making in the “PFAS Roadmap” to address the impacts of the historic use of PFAS chemicals. Agriculture producers’ livelihood depends on healthy soil and groundwater, and families throughout the world rely on the food, fuel and fiber produced by American agriculture.

Background

Farmers have not knowingly used Perfluorooctanoic acid (PFOA) and Perfluorooctanesulfonic acid (PFOS) in their operations. Since PFAS chemicals are known as “forever chemicals,” they do not easily break down over time. This is not a new issue, in fact, PFAS has been found in the blood of 97% of Americans⁴. It can be transported through rain runoff, which means they have been found in surface water and groundwater aquifers. PFOA and PFOS have been voluntarily phased out by U.S. manufacturers for the most part but are still in limited use in products ranging from stain-resistant clothing and furniture to cookware and food packaging. These chemicals can also be found in high quantities in firefighting foam that is used in and around airports and Department of Defense (DoD) training facilities. The Food and Drug Administration (FDA) is taking precautionary measures by regularly testing food for PFAS to make sure unacceptable levels do not enter the market⁵.

Since these chemicals have been known to travel naturally through the environment, they can eventually be deposited onto farm fields, meaning that proximity to one of these areas can lead to elevated levels of PFAS. PFAS chemicals are also delivered to farms via biosolids, which are commonly applied to farm fields as an alternative to fertilizer. Farmers accept biosolids from a wastewater treatment facility to land apply onto their property. Biosolids are regulated at the federal, state, and local level to ensure protection of public health and the environment. For decades, EPA has encouraged and supported farmers’ beneficial use of biosolids. Unfortunately, more recently, we have learned that biosolids are contributing to the spread of PFAS on agricultural lands. This is a major concern for our members. We have already seen PFAS devastate farms in Maine, Michigan, and New Mexico. Unfortunately, not enough research has been done yet to determine an estimate of how many farms contain evidence of PFAS.

Pesticide holding containers have also been identified as a potential source of PFAS on farms. Recent EPA data indicates that plastic containers made of fluorinated high-density polyethylene (HDPE) are likely to leach PFAS into pesticides and other liquid products that are stored in them. EPA’s review also suggests that the amount of PFAS that migrates into liquid products increases with storage time.

Finally, while farmers do not produce PFOA or PFOS, these chemicals can be found in the water that has been provided to their livestock and crops. In certain areas of the country, PFAS levels have risen in milk, beef, and row crops. Another source of PFAS contamination on farms comes from the use of soil

⁴<https://www.niehs.nih.gov/health/topics/agents/pfc/index.cfm#:~:text=One%20report%20by%20the%20Centers,blood%20of%2097%25%20of%20Americans.>

⁵ <https://www.fda.gov/food/chemical-contaminants-food/testing-food-pfas-and-assessing-dietary-exposure>

amendments (biosolids and paper byproducts), which is a practice that has long been supported by EPA.

Given this fact, as well as those above, farmers should not be held responsible for the presence of PFAS chemicals, which they did not produce or intentionally use. Regardless of how PFAS ultimately arrives onto a farm field, it is undeniable that the fault does not fall on farmers. EPA must acknowledge that farmers do not use PFAS chemicals in any part of their operations and are innocent receivers of such chemicals.

EPA's Proposed PFAS Rulemaking

On September 6, 2022, EPA published the proposed “Designation of PFOA and PFOS as CERCLA Hazardous Substances”: <https://www.epa.gov/superfund/proposed-designation-perfluorooctanoic-acid-pfoa-and-perfluorooctanesulfonic-acid-pfos>. It would designate PFOA and PFOS as a “hazardous substance” under the Comprehensive Environment Response, Compensation, and Liability Act (CERCLA), also known as the “Superfund” law. CERCLA is the federal statute that provides a federal “superfund” for environmental cleanup of hazardous wastes. The proposed rule would have significant negative impacts on land values. It would require anyone who releases certain levels of PFAS into soil or water to report it to federal or trial authorities. Farm Bureau is opposed to the rule because farmers and ranchers should not be liable for PFAS contamination, and have the worry of their land being labeled as a superfund site. AFBF's comments can be viewed here: <https://www.regulations.gov/comment/EPA-HQ-OLEM-2019-0341-0341>. PFB's comments can be viewed here: <https://pfb.com/epa-pfas-preferred-rule/>

Key Farm Bureau Policy

- *239 / National Farm Policy, Farm Bill Principles, Research, p. 80, 8.2.8.5.* We support funding for research into the health risks and strategies for mitigating risks associated with chemical contaminants in water and food such as PFAS.
- *547/ Water Quality, Chemical Contaminants, p. 219, 7.1.* Landowners, producers or their lenders shall not be held liable for the cost of chemical contaminants cleanups, such as perchlorate and per- and polyfluoroalkyl substances (PFAS), caused by actions over which the producer, landowner or lender had no management oversight or control of decision-making.
- *547/ Water Quality, Chemical Contaminants, p. 219, 7.2.4.* We support collaboration of agencies, universities, and the private sector to develop proactive solutions and technologies to reduce the human health and environmental risks of emerging contaminants such as PFOS/PFAS
- *547 / Water Quality, Chemical Contaminants, p. 219, 7.2.5.* Establishing an indemnification program and funding to properly compensate farmers', producers' and/or landowners' financial losses associated with emerging contaminants such as PFOS/PFAS.
- *547/ Water Quality, Chemical Contaminants, p. 219, 7.3.2.* We oppose PFOS/PFAS and similar chemicals in food packaging that may become part of the compost stream.

More Information

- EPA PFAS: <https://www.epa.gov/pfas>
- AFBF Agriculture and Regulatory Reform: <https://www.fb.org/issue/regulatory-reform/agriculture-and-regulatory-reform>

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Overview

Thirty years ago, U.S. agriculture would have needed nearly 100 million more acres to match today's production level. Farmers are utilizing the innovation and technology available to create a more sustainable and efficient operation. In return, their advancements in sustainable farming have led to cleaner air and water as well as the preservation of land. Climate and sustainability encompass and impact many industries, which is why farmers cannot be expected to help solve these issues alone.

Background

U.S. farmers are producing more food, renewable fuel and fiber than before, while using less water, protecting against erosion and conserving more soil, avoiding nutrient loss, increasing wildlife habitat and improving biodiversity. Farmers are also improving efficiency and promoting healthy soil by planting cover crops and adopting practices that reduce and, in some cases, eliminate the need for tilling—or turning the soil over. Healthier soil also means cleaner air and water, as farmers trap carbon in the soil and reduce runoff with these practices.

Agriculture can also play a role in offsetting emissions beyond the farm gate. From climate-smart farming practices to voluntary management of forests, grasslands, wetlands and croplands, farmers are not only reducing their footprint, but also are actively absorbing carbon from the atmosphere. According to the EPA, land management practices alone removed 764 million metric tons of CO₂ from the atmosphere in 2018. In comparison, the removal of 764 million metric tons of CO₂ is equal to taking 165 million vehicles off the road for a year. If agriculture is to continue to lead the way, our country must prioritize its investment in agriculture research and innovation, with a focus on solutions that ensure vibrant rural communities and a healthy agriculture economy. Consider these facts about American agriculture:

- Only 11% of the total U.S. GHG (greenhouse gas) emissions are attributable to agriculture⁶. Less than 4% of total U.S. GHG emissions stem from livestock.
- 132% more renewable energy sources such as geothermal, solar panels, windmills, hydro systems, and methane digesters in the last 5 years from farmers.
- Combined, U.S. agriculture, land use, and forestry are a net sink for carbon emissions. The largest carbon sink involved U.S. forestry lands. They absorb more CO₂ from the atmosphere than they emit.
- 140 million acres used for conservation and wildlife habitat efforts. This is equal to the total land area of California and New York combined.
- Over the last decade, nearly three trillion pounds of corn have been used to produce clean, renewable ethanol for blending into motor fuels. In 2018 alone, the use of ethanol and biodiesel reduced carbon emissions by an amount equivalent to 18 million cars.

General Farm Bureau Policy

Farm Bureau supports legislation and incentives that encourage the production and utilization of biofuels and renewable energy. The production and use of biofuels and renewable energy not only helps to reduce GHGs,

⁶ <https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions#agriculture>

but creates American jobs, encourages rural development, enhances our national security and protects Americans from price shocks. Increased biofuel production also diversifies our energy portfolio to make America more secure and resilient to the increasing costs for energy.

Farm Bureau policy opposes any actions or policy that federal agencies could use to regulate emissions of GHGs. Additionally, Farm Bureau does not believe unilateral action by the U.S. can make a difference on global temperature or stop devastating weather events. Finally, Farm Bureau does not support legislation or regulations that will impact Americans' income while not effectively impacting climate.

SEC Proposed Climate-Related Disclosures Rule

In March 2022, the Securities and Exchange Commission (SEC) proposed "The Enhancement and Standardization of Climate Related Disclosures for Investors" rule:

<https://www.federalregister.gov/documents/2022/04/11/2022-06342/the-enhancement-and-standardization-of-climate-related-disclosures-for-investors>. Farm Bureau is opposed to the rule due to compliance, privacy, and liability concerns. Moreover, by attempting to regulate industries that have never been under its jurisdiction in order to control climate activities, the SEC is exceeding the authority granted by Congress. The SEC also has not completed a cost-benefit analysis required by the Paperwork Reduction Act (PRA) and the Regulatory Flexibility Act (RFA). This proposed rulemaking could have an almost 5% impact on the U.S. economy; thus, the SEC needs to do their due diligence. On June 17, 2022, AFBF along with ten other agricultural organizations submitted comments opposing the rule. Those comments can be found here: <https://www.fb.org/news-release/proposed-sec-rule-requirements-nearly-impossible-for-family-farms>. The SEC is currently reviewing the thousands of comments received regarding the rule. Many industries outside of agriculture are opposed to the rule, and with similar reasoning such as labor shortages and inflation.

In the 117th Congress, Farm Bureau supported H.R. 8069, the *Reducing Farm Input Costs and Barriers to Domestic Production Act*, which would eliminate the SEC's proposed climate-related disclosures rule in its entirety. Additionally, Farm Bureau supported H.R. 9063 and S. 5135, the *Protect Framers from the SEC Act*, which would prohibit the SEC from requiring Scope 3 emissions reporting from agriculture producers.

Inflation Reduction Act

The 117th Congress passed H.R. 5376, the *Inflation Reduction Act*. AFBF remained neutral and released the following statement: "*AFBF appreciates that lawmakers recognize the role agriculture can play in addressing climate change issues in the Inflation Reduction Act of 2022. Farmers and ranchers support voluntary, market-driven programs that help the environment while ensuring farms remain economically sustainable. Farm Bureau has serious concerns about the proposed increase in taxes on American businesses at a time when the country is entering a recession. We strongly encourage lawmakers to focus on policy that directly addresses record-high input costs, spurs economic growth, and addresses inflation that is crushing the pocketbooks of America's families.*" A key part of the statement was voluntary programs because Farm Bureau recognizes our agriculture producers already using innovative conservation practices, so it is unnecessary for the government to mandate these systems.

More Information

- AFBF Sustainability: <https://www.fb.org/issue/sustainability>
- AFBF Climate Change: <https://www.fb.org/topic/Climate-Change>
- Overreach of SEC Proposed Climate Rule Could Hurt Agriculture: <https://www.fb.org/market-intel/overreach-of-sec-proposed-climate-rule-could-hurt-agriculture>
- Proposed SEC Rule Requirements Nearly Impossible for Family Farms: <https://www.fb.org/news-release/proposed-sec-rule-requirements-nearly-impossible-for-family-farms>
- What's in the Inflation Reduction Act for Agriculture?: <https://www.fb.org/market-intel/whats-in-the-inflation-reduction-act-for-agriculture>

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Overview

The definition of “waters of the United States” (WOTUS) has been the subject of controversy despite (or perhaps due to) multiple Supreme Court decisions over the years attempting to clarify it. How this term is defined impacts the ability of farmers and other landowners to use their land, and is therefore an issue of significant concern.

Background

The Clean Water Act (CWA) authorizes the Army Corps of Engineers (ACOE) and the Environmental Protection Agency (EPA) to federally regulate “navigable waters,” defined in the CWA as the WOTUS, including the territorial seas. All other waters generally remain under state and local protection. For decades, confusion surrounding the CWA’s reach has led to widespread regulatory uncertainty, costly litigation, and stifled economic growth.

Below is the recent timeline of how the WOTUS definition has changed during the past years:

June 2015

EPA finalized a rule that significantly expanded the definition of a WOTUS under the CWA. Farm Bureau opposed.

<https://www.federalregister.gov/documents/2015/06/29/2015-13435/clean-water-rule-definition-of-waters-of-the-united-states>

April 2020

The Navigable Waters Protection Rule (NWPR) provided clarity and commonsense oversight to ensure clean water. The NWPR was environmentally-protective and clarified which level of government – federal or state – oversees water features and dry land that is sometimes wet. It also provided clear definitions of terms that have previously caused confusion and litigation. Farm Bureau supported.

<https://www.federalregister.gov/documents/2018/12/28/2018-28296/revised-definition-of-waters-of-the-united-states>

December 2022

EPA announced the final revised definition of WOTUS, which does not use the term ‘navigable’ and expands the Corps’ jurisdiction even further than the 2015 rule. Farm Bureau opposed.

<https://www.federalregister.gov/documents/2023/01/18/2022-28595/revised-definition-of-waters-of-the-united-states>

2022 WOTUS Rule

On December 30, 2022, EPA issued its new WOTUS rule, which will replace the NWPR put in place during the Trump Administration. Farm Bureau is extremely disappointed in the content of the new rule, which not only does not provide the needed clarity and certainty that the regulated community has long called for, but also allows the federal government to expand its jurisdictional reach over private property. The EPA and ACOE have doubled down on their use of the troubling “significant nexus” test, which will require landowners to hire environmental consultants, attorneys and engineers to ensure that they are in compliance.

Furthermore, since this rule relies on case-by-case determinations and ambiguously defined terms, it is incredibly difficult for a farmer to understand if they have a jurisdictional feature on their property. With civil and criminal liabilities attached to CWA compliance, it is critically important to have a clear line of jurisdiction.

The new WOTUS rule now goes into effect 60 days after its January 18th publication in the Federal Register – March 20, 2023. Farm Bureau will be looking to the Supreme Court for a decision in the Sackett case, which will provide some clarity on the use of the “significant nexus” test. It is hoped that the agencies will have to amend the rule in response to a decision from the Supreme Court. Additionally, AFBF filed a legal challenge on January 19th to the new WOTUS rule alongside 17 other organizations representing agriculture, infrastructure, and housing.

Farm Bureau Position

547 / Water Quality, Clean Water Act (CWA) Framework and Agricultural Water Quality Programs, page 215, 3.8. We oppose the 2022 WOTUS final rule.

Farm Bureau supports a rule that conforms to the limits set by Congress and reinforced by the U.S. Supreme Court. Farm Bureau seeks to ensure that:

- The Corps and EPA produce a rulemaking that respects Supreme Court precedent and Congressional intent;
- Any rulemaking provides clarity and certainty;
- Landowners are able to understand when they need CWA §404 permits, including where federal jurisdiction ends and state jurisdiction begins; and
- Farm Bureau members can navigate the permit process or know when to obtain the services of environmental consultants and legal counsel.

More Information

- AFBF’s WOTUS page: <https://www.fb.org/topic/WOTUS>
- AFBF 2022 WOTUS rule lawsuit: https://www.fb.org/files/3-2023-cv-00020_0001_COMPLAINT_against_Lieutenant_General_Scott_A._Spellmon_Michael_L._Connor_Michael_S._Regan_U.S._En.pdf
- EPA’s 2022 WOTUS rule website: <https://www.epa.gov/wotus/revising-definition-waters-united-states>