

# ***Pennsylvania Vegetable Growers Association Policy Resolutions***

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The following policy resolutions have been adopted by the General Membership at the Annual Meetings of the Association to set forth the position of the Association on various issues that impact the vegetable, potato and berry industries of the Commonwealth. They are reviewed each fall by the Board of Directors, which then proposes changes or additions to the General Membership. Members are encouraged to submit any comments on the existing resolutions or suggested additions to the Directors for consideration at any time. *Italicized resolutions were adopted in 2017.*

## **State Issues**

### **Wildlife Crop Damage** (1994, 96, 98, 99, 2000, 02, 05, 06, 07,10, 11, 12, 15, 16, 17)

- Whereas deer, elk, turkeys, geese and other wildlife cause large amounts of damage to vegetable, potato and berry crops each year, the Association is on record as:
  - Supporting the deer-damaged farm program established by the Game Commission whereby antlerless deer may be harvested on those designated lands during the regular antlered season;
  - Supporting the current practice of allowing hunters to take antlerless deer with each antlerless license;
  - Supporting financial assistance to farmers who utilize temporary fencing or other techniques like invisible fencing with guard dogs to control wildlife crop damage;
  - Supporting the allocation of antlerless licenses based on scientific and statistical information;
  - Supporting the practice of allowing hunters to purchase multiple antlerless licenses when surplus licenses are available; especially for use on private or other lands where deer populations are determined to be too high;
  - Supporting deer management areas smaller than counties;
  - Supporting special seasons to reduce the resident Canada goose populations in areas where they are causing crop damage;
  - Supporting longer antlerless seasons and/or concurrent antlered and antlerless seasons;
  - Supporting compensation from the Game Commission to farmers for crop damage losses from wildlife;
  - Supporting changes to the Game Code providing for bear damage claim payments to beekeepers with five or more hives in a location for multiple instances of damage (with a \$50 minimum payment for second or subsequent claims) regardless of whether a fence has been erected around the hives.
  - Supporting the Game Commission's hunter/landowner link program that retains the landowner's rights to control access to the land but directs hunters to lands where the owners desire more hunting pressure;
  - Supporting the appointment of one or more Game Commissioners who are farmers or have an agricultural background;
  - Supporting depredation permit programs for deer, turkey and geese that will allow these species to be harvested by hunters out-of-season on farms where damage is excessive;
  - Opposing protected status for elk;
  - Opposing hunting on Sundays with the exception of hunting crow; coyote and fox, as well as woodchuck in cultivated fields with express written permission of the landowner (2005 and 2017);*
  - Supporting the partial funding of the Game Commission by the General Assembly so that the Commission is not totally reliant on hunting license fees and thus hunters for income (2006);
  - Supporting the elimination of liability of landowners for damages or injury caused by hunters hunting on the landowners property on a no-fee basis (2007);
  - Supporting a voluntary Game Commission/landowner hunting access program, similar to existing "walk-in hunting programs" available in 32 other states, wherein landowners are provided with liability protections and compensation including financial incentives to be used towards habitat improvements (2010);
  - Supporting the use by the Game Commission of a portion of the oil and gas leasing royalties on State Gamelands to compensate farmers for wildlife-crop damage losses (2010);
  - Supporting the use of semiautomatic rifles of .22 caliber or less in hunting coyotes, foxes and woodchucks (2011);
  - Supporting the current structure of the Pennsylvania Game Commission and opposing proposals to replace the Board of Commissioners with an advisory board or to have game policy set by the General Assembly (2011);
  - Supporting the reinstatement of the practice of planting crops on State Game Lands (2011);
  - Supporting provisions to allow farm employees to harvest deer for crop damage and keep them for consumption; (2012)
  - Supporting the one-year revocation of hunting and fishing privileges for anyone who hunts or fishes on private land without landowner permission; (2012)
  - Supporting amendments to the Game and Wildlife Code to exempt a landowner from liability for a hunter's action or conduct because he allowed the hunter to hunt on his land; (2012)
  - Supporting a second youth deer season on the Friday and/or Saturday after Thanksgiving; (2012);
  - Supporting the restoration of funding for the Game Commission wildlife fence program (2015); and
  - Supporting the legalization of products like "Rodentator" to control burrowing pests (2016).

### **Worker's Compensation** (1994, 2011)

- Whereas the rising cost of Workers' Compensation insurance is a burden for employers, the Association is on record as:
  - Supporting continued reform of the Workers' Compensation Act to prevent abuses and decrease the cost to employers while still maintaining adequate coverage for workers (1994) and
  - Supporting the ability of sole proprietors and partners to obtain workers' compensation coverage in their businesses, including agriculture businesses, and establishing minimum compensation for proprietors and partners of 50% of the state-wide average weekly wage (2011).

### **Taxes** (1994, 97, 2000, 02, 04, 06, 07, 08, 09, 10, 11, 12, 13, 15, 16)

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- The Association is on record as supporting efforts to reform the local tax structure which places too much burden on property owners, especially for the support of school districts and tax reform legislation must include tax reductions on all buildings and land (2006);
- Supporting the increase of personal income and/or sales taxes if the increased revenue is exclusively designated for the reduction of property taxes on farmsteads, farmlands, forestlands and open space (2008);
- Supporting the elimination of local nuisance taxes;
- Supporting the permanent elimination of the state inheritance tax or at least the establishment of a \$1.3 million exclusion for estates in which at least 50% of the estate consists of interest in a family-owned business and a \$1 million exclusion for all other estates (2006);
- Supporting the assessment of buildings used solely for agricultural purposes based on their contributory value;
- Opposing proposals to impose the sales tax on food sales (2004);
- Supporting the evaluation of farmland for transfer inheritance tax purposes at its value as farmland provided the land continues to be farmed or maintained in open space for a seven-year period;
- Supporting the evaluation of preserved farmland for transfer inheritance tax purposes at the value of \$1.00 per acre (2007);
- Supporting changes to the state Constitution that would allow transfer of closely held businesses between family members at a reduced rate or without any inheritance tax (2008);
- Opposing an increase from 10 to 30 contiguous acres in the area required to qualify for the PA Farmland and Forest Land Assessment Act benefits (2008);
- Supporting the prohibition of municipalities and school districts initiating tax assessment appeals of real property (2009);
- Supporting buildings on farm properties generating at least \$5000 in gross income from agricultural production being eligible for the farmstead exemption from property tax assessment (2009);
- Supporting the exemption of all agriculture related entertainment from any municipal amusement taxes and permits (2009);
- Opposing the reduction in state income and sales tax exemptions provided to farm businesses under current law (2010);
- Supporting standardized state-wide guidelines for Clean & Green implementation as well as the institution of penalties for counties who do not comply with state guidelines (2010);
- Supporting the development of a more accurate alternative to the Clean and Green assessment value (2010);
- Supporting the exemption of active farms from the inheritance tax (2010);
- Supporting accelerated depreciation for purchases of machinery and equipment, land improvements and buildings (2011); and
- Supporting an exemption from the state reality transfer tax for family farms reorganizing into a limited liability partnership (2011).
- Supporting the establishment of uniform rules for real property assessment that must be applied by counties statewide along with a moratorium on property reassessment in Pennsylvania until such uniform rules are established. (2012)
- Supporting the increase to 100 miles of the distance from the farm in which consumption of fuel by farm vehicles and equipment is eligible for state liquid fuels tax refund. (2012)
- Supporting changes to the PA Act 32 Tax Law to allow employers to use the PALite format to submit local tax filings if they are mandated to electronically submit such filings and to deem a properly completed PA DCED "Certificate of Residence Form" sufficient to establish residence. (2012)
- Supporting requirements for counties to identify and make available to farmers in writing the methodology used in calculating tax assessments of agricultural buildings including high tunnels. (2013)
- Supporting requirements for county assessors to provide estimates of changes in assessed value as a result of planned building construction projects. (2013)
- Supporting restrictions that will prohibit counties from reassessing whole farm properties because of construction or renovation of a farm building or structure. (2013)
- Supporting the elimination of school property taxes in Pennsylvania and their replacement with a menu of various revenue sources to fund school districts which may include a mixture of earned income, wage and/or an expanded state sales tax on goods and services except those covered by current business and agricultural exemptions. (2013)
- Supporting the expansion of the farming exemption from inheritance tax provided under Act 85 of 2012 to include transfers by will of any farm being commercially operated at time of death that will continue to be operated under ownership or lease of the succeeding owner for a period of seven years after transfer. (2013)
- Supporting the forgiveness of any outstanding inheritance tax on a farm that qualifies for the farming exemption from inheritance tax. (2013)
- Supporting a limit on the estimated tax required to be paid on income from agriculture for any tax year of no greater than 2/3 of the total tax due or the total tax paid for the prior tax year. (2013)
- Supporting a coordination of the limit for the fast write-off deduction between state and federal tax codes so farmers only need to keep one set of depreciation records (2015).
- Supporting the amendment of the Clean and Green Act to eliminate authority for annual adjustment of assessed use values of Clean and Green properties in years other than years that a county implements countywide reassessment of all properties (2015).
- Supporting the amendment of the Clean and Green Act to provide that conveyances of a portion less than ten acres of a farm enrolled in Clean and Green to an adjoining farm enrolled in Clean and Green not be subject to rollback taxes (2015); and
- Supporting the exemption from real estate taxes of new ag related buildings for five years (2015).
- Supporting the amendment of the Clean and Green Act to authorize application of limited roll-back tax on use of enrolled land for rural enterprises by persons other than the landowner or the landowner's immediate family (2016).
- Supporting a partial reduction of school property taxes as a possible needed step in the process needed to achieve the final result of eliminating school property taxes (2016).
- Supporting the exemption of purchases of lumber and building materials for construction, repair or maintenance of facilities used in production agriculture from state sales tax (2016).

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*Supporting state income tax credits for landowners who lease idle farmland to beginning farmers for agricultural production (2016).  
Supporting a requirement that public notification of any change in eligibility standards for REAP program credits be provided at least 90 days before the fiscal year in which the change takes effect (2016).*

## **Food Quality and Safety (2016)**

*Opposing the exemption of non-profit member organizations from Food Code (PA Title 7, Agriculture, Chapter 46) regulations (2016).*

## **Nutrient Management (1994, 2009)**

Whereas many vegetable, potato and berry growers do not raise any poultry or livestock and must purchase inorganic fertilizer; and Whereas economics encourage growers not to use excessive amounts of these fertilizers; the Association is on record as:  
Supporting the current Nutrient Management Act which exempts farms with less than two animal equivalent units per acre from regulations requiring the filing of approved nutrient management plans.; and  
Supporting the Fair Share Nutrient Reduction Program that provides tax credits for the agricultural nutrient and sediment reduction projects (2009).

## **Food Processing Wastes (1994)**

Whereas food processing waste, packing line culls, vegetable trimmings from retail markets and other crop by-products are organic matter suitable for farmland application, the Association is on record as:  
Supporting regulations that allow the disposal of wastes and byproducts on farm land with normal farm operations.

## **Hazardous Waste Facilities (1994)**

The Association is on record as opposed to the location of and the site selection process that would allow such locations of hazardous waste incinerators and hazardous waste disposal facilities where they would negatively impact agricultural land.

## **Solid Waste Management (2014, 17)**

The Association is on record as supporting the development of a recycling program for ag plastics by the Pennsylvania Department of Agriculture. (2014); and  
*Supporting the regulation of food waste used in agricultural facilities for digesters or composting as agricultural waste rather than as municipal waste under the Solid Waste Management Act. (2017)*

## **Preservation of Agricultural Land (1994, 2009)**

Whereas developed land is permanently lost to agricultural purposes, and  
Whereas more and more valuable farmland is being developed, the Association is on record as:  
Supporting the state's Agricultural Land Preservation Act and the formation of local Agricultural Security Areas;  
Supporting provisions that farms enrolled in PA Farmland Preservation be allowed to have agritainment activities, such as trail rides, corn mazes, etc. (2009); and  
Supporting provisions that preserved farms be allowed to produce and harvest energy (windmills, solar, methane digesters, natural gas wells, etc.) without penalty provided minimal preserved acreage is impacted (2009).

## **Property Rights (2006, 12)**

The Association is on record as:  
Opposing the ability of municipalities to lower the property value of land through zoning restrictions without reasonable compensation to the landowner.  
Supporting legislation to make trespassing on posted private property without permission a misdemeanor with a mandatory fine of \$500 for each offense. (2012)

## **State Funding (1996, 99, 2001, 02, 07, 09, 12)**

Whereas the vegetable and small fruit industries depend on various support services from The Pennsylvania State University and the Pennsylvania Department of Agriculture, the Association is on record as:  
Supporting adequate funding for the College of Agricultural Sciences at The Pennsylvania State University, especially funding for its research and extension programs;  
Supporting adequate funding for the Pennsylvania Department of Agriculture;  
Supporting continued funding of the Agricultural Education Student Loan Forgiveness program;  
Supporting continued and increased funding for the Agricultural Product Promotion Matching Grant program;  
Supporting \$1 million funding for the Farmers' Market Development Act grants (2007);  
Supporting a balanced and coordinated program to secure increased state funding for the Commonwealth's road and bridge system through increased commitment of general funds revenues, issuance of additional state bonds, increases in motor fuels taxes and other practical funding sources (2009); and  
Supporting the increase of the appropriation for the State Food Purchase Program to \$24,000,000 (2009).  
Supporting the reinstatement of funding for the Pennsylvania Higher Education Assistance Agency (PHEAA) Agriculture Loan Forgiveness program. (2012).

## **Produce Promotion (2013, 15)**

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The Association is on record as supporting the Pennsylvania Department of Agriculture's "PA Preferred" agricultural products promotion effort that has been established by an Act of the General Assembly and further supports continued state funding for this effort (2013); and  
Supporting follow-up on the "PA Preferred" marketing campaign to ensure product signage is accurate and to enforce penalties for misrepresentation (2015).

## **Ag-in-the-Classroom** (1996, 2003, 07, 11)

Whereas a very small portion of the population has direct contact with production agriculture and is therefore unfamiliar with agricultural practices, the Association is on record as:

Supporting comprehensive Agricultural Education Standards in the state educational standards:

Supporting the Ag-in-the-Classroom program (2007);

Supporting government funding for Ag-in-the-Classroom; and

Supporting requirements that agricultural science curriculums be offered in all school districts provided such curriculums do not promote either conventional or organic production systems over each other (2011).

## **Farm Marketing** (1997, 2001, 09, 10, 16)

Whereas direct-marketing is an important option for Pennsylvania vegetable, potato and berry growers, the Association is on record as:

Recognizing that some farmers' markets and farm markets have prospered by restricting themselves to selling only the products personally produced by the growers and other have prospered by selling purchased products in addition to those personally produced by the grower;

Supporting the creation of farmers' markets where there is sufficient interest from growers and the public, including at turnpike rest areas;

Supporting public laws and policies, both local and state, which encourage direct farm marketing;

Supporting provisions in the Right-to-Farm Act giving roadside markets which produce at least half of the product sold certain protections from local restrictions;

Supporting allowances for farm markets and farmer's markets to sell produce items by volume measures or by the piece when it is readily obvious to the consumer what quantity is being purchased;

Supporting legislation that makes it illegal to advertise or market produce as Pennsylvania grown unless the produce was in fact grown in Pennsylvania (2009);

Supporting provisions for once-a-year sales tax filings for entities that have only seasonal sales (2010); and

Supporting municipalities being prohibited from requiring engineer certification of plans for construction of agricultural or agritourism structures and related land development (2009).

Supporting a requirement that Tourist Oriented Directional Signs advertising agriculture businesses include the words "Support Local Farms" (2016).

## **Right to Farm** (2003, 09, 17)

Whereas local ordinances and regulations may prevent growers from operating a viable farm business by adding restrictions above and beyond state restrictions, the Association is on record as:

Supporting the Pennsylvania Right-to-Farm Act and provisions to make it more effective in protecting farmers from restrictive local regulations;

Supporting legislation that allows that nonconforming use performed on a farm property meeting the minimum area or agricultural income of a normal agricultural operation not be considered to be legally abandoned until 10 years after the use has been discontinued (2009);

Supporting legislation that provides relative to proposed construction and land development projects on farm properties that meet the minimum area or agricultural income of a normal agricultural operation, municipalities be:

a. Prohibited from imposing more than \$100 in total fees and costs in reviewing and determining whether the project should be approved;

b. Required to identify all deficiencies and corrections necessary for approval of the project within 45 days after the proposal is initially submitted;

c. Required to make a final determination of approval or disapproval within 90 days after the proposal is initially submitted unless final approval requires the project be built and the landowner or builder requests an extension of time (2009);

Supporting the exemption of any building used predominantly for on-farm processing of products produced on the farm from the Statewide Building Code (2009); and

*Opposing the ability of municipalities to require permits for the harvesting of any agricultural commodity. (2017)*

## **Disaster Assistance** (2000)

The Association is on record as supporting the establishment of a state agricultural disaster assistance program to include grants and low interest loans for operating expenses in years of exceptional losses and an ongoing assistance program to provide grants and low interest loans for improvements to irrigation systems and other farm systems that will minimize the effect of future disasters.

## **Transportation** (1998, 2008, 10, 11, 12, 13, 15, 17)

The Association is on record as:

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Supporting legislative or regulatory changes that will provide for the development of "acceptable cleaning standards" for trucks and trailers after hauling non-food products thereby rendering them safe and legal to haul food products (1998);  
Opposing the imposition of tolls on currently un-tolled Interstate routes and the leasing of the Pennsylvania Turnpike to a private entity (2008);  
Supporting the establishment of a reduced-cost farm-use limited truck license for farmers (2010);  
Opposing the ability of local municipalities to revoke the local traffic exemptions from posted weight limits (2010);  
Supporting an exemption from maintaining log books for all registered farm trucks (2011); and  
Supporting an exemption from CDL requirement for operators of farm trucks operating intrastate (2011).  
Supporting a Commercial Driver's License (CDL) exemption for operators of any implement of husbandry. (2012)  
Supporting the adoption of reciprocal agreements with surrounding states permitting movement of registration-exempt vehicles and implements of husbandry. (2012)  
Supporting annual inspections for trucks registered under 26,000 lbs. (2012)  
Supporting exemptions for wagons being towed by farm trucks and implements of husbandry from being required to be secured to the towing vehicle by safety chains, from being required to have trailer brakes if the wagon exceeds 3,000 pounds, and from requirements for lighting during daylight hours.(2013) and  
Supporting exemptions to road weight limits for vehicles up to 80,000 pounds which are either hauling farm products from the field or to markets or which are delivering supplies to farm operations (2013);  
Supporting a 10% gross weight tolerance for trucks exiting fields with agricultural products (2015); and  
*Supporting the inclusion of questions in the Pennsylvania driver's test about safe driving practices in the presence of farm equipment, dump trucks, tractor trailers and other large machinery encountered on public roads, including a question on wide turns by large vehicles. (2017)*

## **Tort Reform (2003, 07)**

Whereas excessive liability judgements and the threat of frivolous lawsuits result in prohibitive business liability insurance premiums, the Association is on record as  
Supporting continued reform of tort laws that will limit abuse of these laws (2003); and  
Supporting the elimination of joint and several liability laws (2007).

## **Pennsylvania Vegetable Marketing and Research Program (1994)**

The Association is on record as strongly supporting the continuance of the Pennsylvania Vegetable Marketing and Research Program and its enforcement.

## **The Pennsylvania State University College of Agricultural Sciences (1996, 2012, 14)**

Whereas The Pennsylvania State University College of Agricultural Sciences has over the years provided invaluable support through its research and extension programs to the vegetable and small fruit industries of Pennsylvania and to the Association itself; and  
Whereas the vegetable and small fruit industries continue to need the University's support in the areas of applied vegetable and small fruit research and extension programs; and  
Whereas the continual shortage of funds within the University has necessitated the adjustment of the University's priorities, sometimes favoring the expansion of basic research at the expense of practical, applied research; and  
Whereas the amount of faculty time devoted to vegetables and small fruit has declined over the past several decades, especially in the Department of Horticulture; and  
Whereas the undergraduate education program in vegetable and small fruit crops is rather weak, the Association is on record as:  
Supporting basic plant science research, but not at the expense of practical, applied research;  
Supporting increased practical, applied research in vegetables and small fruits at the University to support the Pennsylvania industry;  
Supporting the employment of extension specialists in all areas of vegetable and small fruit science to provide expert assistance to growers;  
Supporting cooperative arrangements with universities in neighboring states to provide research support in specialized areas where it can be applied across the state borders;  
Supporting similar inter-state cooperative arrangements in the area of undergraduate education in vegetable and small fruit crops.  
Supporting provisions for Penn State Extension programs to place first priority on production agriculture programming; (2012)  
Supporting the current practice of six trustees being elected by the agricultural societies; (2014) and  
Supporting an option for agricultural trustee election delegates to vote online from the Extension Offices (2014)

## **Minimum Wage (1996, 2002, 08)**

Whereas increases in minimum wages result in increased labor costs for agricultural employers; and  
Whereas a state minimum wage that exceeds the federal minimum wage would put Pennsylvania employers at a competitive disadvantage with out-of-state employers; the Association is on record as:  
Opposing unreasonable increases in the minimum wage;  
Opposing any state minimum wage that exceeds federal minimum wages;  
Supporting a two-tiered minimum wage that provides for a lower minimum wage for employees under 18 years old; and  
Opposing a annual cost-of-living increase in the state minimum wage or holding a referendum on such an annual increase (2008).

## **Processor Bonding (2003)**

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The Association is on record as supporting the enactment of a state requirement for in-state and out-of-state processors to be bonded for value of the perishable vegetable and fruit crops they purchase from Pennsylvania growers.

## **Labor (2008, 09, 17)**

Whereas federal labor regulations adequately protect the rights of employees, the Association is on record as:  
Opposing mandated paid sick leave for employees by the state;  
Opposing a mandated an employee rest period away from the workplace every four hours by the state; and  
Opposing state laws allowing employees to refuse to work more than eight hours in one day;  
Supporting the exemption of farmers from providing mandatory paid sick leave to their employees (2009); and  
*Supporting a requirement that all employees for whom unemployment compensation contributions are made be eligible to receive compensation only from the at-fault employer within the base year. (2017)*

## **Land Use (2013)**

Supporting the compensation of property owners for the full market value of the area of their property that is devalued by a public easement. (2013)

## **Local Government (2014)**

Supporting legislation that exempts landowners from requirements for septic service or septic fees on tracts that have no septic systems on the property. (2014)

## **Public Utilities (2014, 17)**

Supporting requirements that a minimum of 15 feet height of all utility lines be required;  
Supporting requirements that any above-ground gas/utility structures on agricultural lands be marked at a minimum height of six feet and be a visible reflective color; and  
Supporting requirements that all new permanent land survey markers be buried four feet deep and be GPS activated and all temporary markers be at least six feet tall and reflective; (2014) and  
*Supporting requirements for the control of noxious weeds along roads and other right-of-ways while minimizing drift and off-target movement to adjacent croplands. (2017)*

## **Uniform Construction Code (2014)**

Supporting changes to the Uniform Construction Code (Section 403121) that would exempt small business structures which are less than 2,500 square feet and do not exceed an average of 25 vehicles per day. (2014)

## **Conservation Districts (2014)**

Supporting requirements that when ag structure plans are submitted to the conservation district there should be a time limit no longer than 45 days for a decision.  
Supporting requirements that Conservation Districts be required to inform landowners who inquire if their properties potentially contain wetlands.  
Supporting the ability of all conservation districts to opt in or out of their compliant policy (DEP Agricultural Enforcement) with the State Conservation Commission every three years. (2014)

## **Surplus Food (2017)**

*The association is on record as supporting an increase in the State Food Purchase Program budget of \$5 million to allow food banks to purchase and process more Pennsylvania surplus food products through the Pennsylvania Agricultural Surplus System (PASS) Program. (2017)*

## **State and Federal Issues**

### **Seasonal Farm Labor (94, 96, 97, 98,99, 2000, 04, 06, 07, 12, 13)**

Whereas the availability of farm labor on seasonal basis is essential to the vegetable, potato and berry industries of Pennsylvania, the Association is on record as:  
Supporting laws and regulations that insure the fair treatment and promote the welfare of seasonal farm laborers;  
Opposing laws and regulations that impose burdensome requirements on farmers employing seasonal farm laborers, particularly those that give special rights and privileges to seasonal farm laborers or impose requirements on seasonal farm labor employers which are not accorded the average worker or imposed on the other employers;  
Supporting the elimination and/or de-funding of the Legal Services Corporation or at least the reform of the Legal Services Corporation by the Congress to prevent the current abuses of the system by grantees;  
Supporting restrictions on any federal funding for legal aid to disadvantaged persons that would prohibit grantees from engaging in class-action lawsuits or from soliciting clients;  
Supporting authorization for the Pennsylvania Department of Agriculture to inspect labor camps for compliance with all federal and state regulations;  
Supporting reform of the current state unemployment compensation laws:  
Supporting reform of the present H-2A program that will make the program more feasible for Pennsylvania growers to use it;  
Supporting the recognition of alien farm laborers as legal permanent residents;

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Supporting the proposed AgJOBS legislation that reforms the H-2A guest worker program to make it more feasible for growers to utilize (2004); and

Opposing state and local laws or ordinances that duplicate or exceed federal regulations relating to the employment of aliens (2006, 07); and

Supporting federal comprehensive immigration reform legislation that includes:

- a workable temporary worker program that matches willing employers with willing workers
- border and interior enforcement that provides employers with the tools to ensure legal workers without punishing employers who try to follow the law; and
- an opportunity for earned adjustment to legal status for those aliens who have been in the country for a significant period of time (2007).

Opposing the adoption of mandatory E-verify legislation at the local, state or federal level without the establishment of a workable federal agricultural labor program that will allow adequate numbers of agricultural workers to enter the country legally without excessive red tape or costs for growers. (2012)

Supporting requirements that any government survey concerning the H2A Labor Program must identify users, possible users and unlikely users. (2013)

## **Sustainable Agriculture (1994)**

Whereas the Association is interested in the long term viability of the industry and the quality of our environment, the Association is on record as:

Supporting the research on and development of integrated crop management and integrated pest management systems and the responsible use of pesticides;

Supporting the research on and development of methods of utilizing biocontrols;

Supporting the research on and development of methods of increasing soil organic matter; and

Recognizing the value of synthetic chemical pesticides, when applied in accordance with their label, in allowing the production of increased yields of high quality crops that are safe for human consumption.

## **Natural Resources (2016)**

Supporting the amendment of Acts 49 and 38 to allow for certified Act 38 Nutrient Management Planners to be authorized to complete stand-alone Nutrient Balance Sheets for imported manure (2016).

Supporting a requirement that county conservation district staff be trained and available to write conservation plans (2016).

Supporting a \$1,000.00 fine limit on agricultural enterprise conservation and environmental violations (2016).

Supporting a requirement for the Department of Environmental Protection to have a positive test for contamination in order to issue a fine in the event of water pollution (2016).

Supporting a grandfathered approval for dams and water containment structures whose design and construction meet the standards in effect at the time the structure was built and that they not be subject to more design or construction requirements imposed after the time of construction, unless it is proven that the structure has been damaged and the level of damage seriously threatens structural integrity. Furthermore such structures should be able to be removed at the option of the owner of the structure, when serious damage has occurred. Also supporting a requirement that the Army Corps of Engineers base standards for design of dams and water containment structures on the precipitation events that have historically occurred at the location where the structure exists or is to be built, rather than regionally (2016).

## **Farm Product Payment (1996, 97)**

Whereas prompt payment is important to any business enterprise, and

Whereas creditor security is especially important with perishable agricultural commodities, the Association is on record as:

Supporting the continuation of the Perishable Agricultural Commodities Act to provide legal requirements for prompt payment and creditor security for sellers of perishable commodities; and

Supporting state requirements for prompt payment and state provisions for a statutory trust protection for farm products.

## **Crop Insurance (2003, 10, 13)**

Whereas the crop insurance can be a valuable risk management tool for growers that minimizes the need for government disaster relief programs, the Association is on record as:

Supporting the Pennsylvania Department of Agriculture's efforts to develop new insurance products and revisions to current products that will make crop insurance options available to vegetable, potato and berry growers;

Supporting the continued subsidy of crop insurance premiums by the Commonwealth;

Supporting a federal Farm Bill that provides incentives and assistance for crop insurance programs, particularly those that would make crop insurance more useful to vegetable, potato and berry growers, rather than increasing or maintaining crop subsidy programs; and

Supporting a state budget line item to subsidize 50% of CAT policy fees and 15% of Federal Crop Insurance premiums for Pennsylvania farmers. (2010)

Supporting making the Federal Crop Insurance subsidy be equal for optional unit and enterprise unit products. (2013)

Supporting changes to RMA standards that allow more than one NRCS tract, in lieu of more than one FSA farm serial number, to qualify for Enterprise Units. (2013)

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Supporting the revision of RMA's standard provisions to allow prevented planting claims to be approved on an individual farm/producer basis, rather than the current provision which requires acreage with similar characteristics in the surrounding area to have also been prevented from planting due to an insured cause of loss. (2013)

Supporting revisions to the Adjusted Gross Revenue insurance products so that coverage can be purchased when products are sold by the piece rather than by weight provided the grower maintains sufficient records to document sales. (2013)

## **Flood Insurance (2017)**

*The Association is on record as supporting the exemption of agricultural buildings from FEMA's National Flood Insurance Program insurance surcharge.*

## **Health Care (2006, 10)**

Supporting tax exemptions for Health Savings Accounts; (2006) and

Supporting the full-deductibility for income tax purposes of all health insurance premiums and medical expenses, including insurance premiums and expenses for long term care. (2010)

## **Wetlands (1994, 17)**

The Association is on record as:

Supporting the conservation of wetlands;

Opposing the restriction of the use of property by owners for its intended use without just compensation,

Opposing wetland laws and regulations that are overzealous in the protection of wetlands without due consideration for the property owners' rights; and

*Supporting a uniform standard for wetland determination by USDA, the Army Corps of Engineers, and EPA. (2017)*

## **Private Property Rights (2006, 10)**

Whereas the freedom to determine the use of private property is essential to Pennsylvania vegetable, potato and berry growers as landowners, the Association is on record as:

Supporting statutory provisions requiring government agencies to evaluate proposed regulations for their potential impact on private property use and value and to proceed with such regulations only when the benefit outweighs any negative impact;

Opposing laws which negatively impact private property values without proportionate benefit; and

Supporting reasonable compensation to landowners when the value of their land is significantly impacted by government actions;

Supporting restrictions to eminent domain powers of government bodies that prohibit the use of such powers to take private property 1) to be turned over to non-public entities, 2) to increase the tax base of the locality or 3) without reverter provisions that return the property to the condemnee if the property is not used for public purposes (2006); and

Supporting the implementation of a public service campaign by the Pennsylvania Department of Agriculture stressing the private property rights of farmers. (2010)

## **Food Safety and Pesticides (1994, 97, 98, 99, 2000, 03, 13, 17)**

Whereas Pennsylvania vegetable, potato and berry growers endeavor to produce food products that are safe and nutritious, the Association is on record as:

Supporting laws and regulations that insure that pesticides are properly tested for safety, labeled with complete instructions, and required to be used safely;

Opposing laws and regulations that place burdensome restrictions on pesticide application when there is no firm scientific evidence to support such restrictions;

Opposing efforts to remove pesticides from the market without solid scientific evidence to support the withdrawal;

Supporting special regulations that enable chemical companies to economically maintain labels for minor crop uses of pesticides;

Supporting efforts to hold the news media accountable for inaccurate or exaggerated claims about the danger of pesticides;

Affirming the safety of crops produced with the use of pesticides when the pesticides are applied according to the instructions on the label; and

Supporting the enforcement of Food and Drug Administration residue standards for imported produce.

Supporting the regulation of pesticides at the state level by the Department of Agriculture rather than another state agency;

Opposing the proposed increase in private pesticide applicator fees;

Opposing laws that add notification to the general public of pesticide application requirements beyond those contained on the pesticide labels while supporting the notification of chemically hypersensitive persons as provided in current Pennsylvania regulations;

Supporting revisions to the federal Worker Protection Standards that make them more practical to implement while still protecting the safety of agricultural workers;

Supporting adequate funding of the IR-4 project to obtain the registration of new pesticides for minor crops;

Opposing the creation of a new single federal agency to oversee food safety regulations currently enforced by the Food and Drug Administration, the Department of Agriculture, the Environmental Protection Agency and other agencies;

Supporting implementation of the Food Quality Protection Act in a manner consistent with sound scientific evaluations of the risk associated the use of particular pesticides;

Opposing implementation of the Food Quality Protection Act using evaluations of the risk associated with the use of particular pesticides based on theoretical or maximum use patterns rather than actual use patterns;



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Opposing efforts to allow local law enforcement agencies to enforce pesticide regulations but supporting continued enforcement of these regulations by the Pennsylvania Department of Agriculture;

Supporting native pollinator conservation efforts in farm policy legislation; (2013) and

*Supporting the participation of the state Department of Agriculture in the DriftWatch program to mitigate the potential problems as a result of the registration of dicamba and 2,4,D products for use on genetically modified soybeans. (2017)*

## **Water Resources Management** (1994, 97, 2001, 02, 06, 07, 13, 15)

Whereas the availability of water for irrigation is important to Pennsylvania vegetable, potato and berry growers, the Association is on record as:

Opposing efforts by the Commonwealth or any river basin commission to unduly restrict, control, or charge for the use of water for irrigation purposes.

Supporting the registration of water usage by growers for irrigation and other purposes provided similar registration is required of other water users and there is no fee involved;

Supporting the efforts of the Susquehanna River Basin Commission to have the Commonwealth of Pennsylvania on behalf of the state's agricultural consumptive water users develop the ability to pump water from underground mine pool storages during the summer months and release water from public and private surface water impoundments during the fall months to offset the agricultural consumptive water use (2006);

Supporting state funding for the development of this water storage capacity for agricultural consumptive use make-up water

Supporting the federal funding of the Susquehanna and Delaware River Basin Commissions,

Supporting the recycling of waste water for agricultural purposes;

Supporting the enactment of water resources legislation by the Commonwealth if such legislation gives priority to irrigation and other agricultural water uses in circumstances of short water supplies and if registration and annual reporting requirements are reasonable for growers to comply with; and

Supporting the permanent reauthorization of the federal Surface Mining Land Reclamation Act to allow fees paid by mining companies to be used by states to treat abandoned mine runoff water and thus enhance the quality of the state's waters (2007).

Supporting an exemption for farmers for developing stormwater management plans when the water stays on their own property (2013); and

Supporting the exemption of high tunnels from storm water management plan requirements (2015).

## **Farmers' Market Nutrition Programs** (1999, 2003, 15)

Whereas vegetables have been shown to be an essential part of a balanced diet, the Association is on record as:

Supporting the continued state and federal funding of the Farmer's Market Nutrition Program that provides WIC recipients with vouchers to purchase Pennsylvania grown produce at farmers' markets and farm markets;

Supporting changes in regular WIC programs to encourage consumption of fresh produce;

Supporting the continued state and federal funding of the Farmers' Market Nutrition Program for Seniors that provides eligible senior citizens with vouchers to purchase Pennsylvania grown produce at farmers' markets and farm markets; and

Supporting a change in the wording on the vouchers for Farmers Market Nutritional Program from "to be used to purchase produce eligible under Pennsylvania's FMNP program" to state the following: "to be used to purchase Pennsylvania grown produce only" (2015).

## **Research** (2012)

Supporting funding for research dealing with invasive species like the Brown Marmorated Stink Bug and others.

## **Farm Equipment** (2017)

*The Association is on record as supporting legislation requiring that all farm equipment manufacturers make diagnostic, service and technical information/software available to machinery owners and independent service technicians.*

## **Federal Issues**

### **Endangered Species** (1996)

Whereas the current Endangered Species Act has unreasonably deprived property owners of the desired use of their land, many times without substantially benefiting the endangered species in question, the Association is on record as:

Supporting the revision of the Endangered Species Act that recognizes the rights of private property owners, provides just compensation to property owners denied use of their property, provides for more reasonable penalties for minor or unintentional violations, and considers the cost/benefit ratio of restrictions placed on property owners.

### **Transportation** (1998, 2002, 13, 14)

The Association is on record as supporting adequate federal funding for highway and bridge maintenance and construction to maintain a viable highway infrastructure across the nation, including rural areas, to allow farmers ready access to supplies and markets; and

Opposing federal environmental regulations that will limit the affordability of pick-ups and other light trucks that are essential to farmers.

Supporting changes to federal law to allow farm market retail activity to occur at rest stops along federal highways; (2013)

Supporting legislation to prohibit local municipalities from exceeding PennDOT regulations and arbitrarily lowering road weight limits to prevent the establishment of agricultural operations that have entered into a verifiable planning process;

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- Supporting changes to the vehicle code that would authorize issuance of annual over-width permit for farmers and agricultural custom operators which would exceed the current width allowed by law to transport farm equipment on highways;
- Supporting provisions to allow farmers and agricultural custom operators to move implements of husbandry 14 to 18 feet wide on public roads during daylight hours without a permit if escorted;
- Supporting changes to the vehicle code that would authorize issuance of annual excessive weight permits for vehicles hauling all crops during harvest;
- Supporting requirements that the corridor of travel be clear of limbs and branches for 25 feet from the center of the road.
- Supporting proportional reductions in Liquid Fuel Tax reimbursements to local municipalities for each road that local authorities reduce the weight limit below 80,000 pounds for agricultural use; and
- Supporting increasing the current cap on taxable value of fuel subject to the Oil Company Franchise Tax to \$1.75 per gallon, provided that additional revenues generated through an increase in taxable value above the current level be used exclusively for road and bridge repair and improvement. (2014)

## **Biotechnology (1996, 2001, 11, 17)**

- Whereas scientists are increasingly able to use biotechnology to develop new varieties of crops, new pest control methods and other beneficial products and processes, the Association is on record as:
  - Supporting the use of biotechnology to improve productivity of the agricultural industry, especially the vegetable and small fruit segments of the agricultural industry (1996);
  - Supporting the strict enforcement of reasonable safeguards in the use of biotechnology to prevent harmful side effects (1996);
  - Supporting efforts to inform the public of the benefits and safety of properly-handled biotechnology and its products (1996);
  - Supporting efforts to preserve germplasm diversity and open pollinated varieties (2001);
  - Opposing the labelling of Dicamba for use on genetically modified soybeans due to the increased potential for herbicide injury to nearby vegetable crops (2011); and
  - Opposing registration requirements for farmers utilizing GMO technology. (2017)*

## **Taxes (2006, 14, 15)**

- The Association is on record as supporting the permanent elimination of federal estate taxes; and
- Supporting changes to update the optional self-employment tax thresholds to allow farmers to earn four quarters of credit per year towards Social Security benefits.
- Supporting the exemption of high tunnels from real estate and sales taxes.
- Supporting a prohibition for counties to change the assessment value of any individual parcel of real estate, solely on the basis of sale or conveyance of the parcel;
- Supporting the expansion of the farming exemption from inheritance tax provided under Act 85 of 2012 to include transfers by will of any farm being commercially operated at the time of death that will continue to be operated under ownership or lease of the succeeding owner for a period of seven years after transfer;
- Supporting the exemption of high tunnels from real estate and sales taxes;
- Supporting a prohibition for counties to change the assessment value of any individual parcel of real estate, solely on the basis of sale or conveyance of the parcel;
- Supporting the expansion of the farming exemption from inheritance tax provided under Act 85 of 2012 to include transfers by will of any farm being commercially operated at the time of death that will continue to be operated under ownership or lease of the succeeding owner for a period of seven years after transfer (2014) ; and
- Supporting a permanent limit of \$500,000 for the fast write-off deduction (Section 179) (2015).

## **Homeland Security (2008)**

- The Association is on record as opposing the unnecessary regulation of fertilizer sales and applications.

## **Trade (1994, 2001, 05)**

- The Association is on record as:
  - Supporting the general concept of free trade with the understanding that labor, environmental and other standards are equal;
  - Opposing free trade for commodities that are subsidized by the competitor's government;
  - Supporting the patenting of cultivars or varieties but not the patenting of generic plant products; and
  - Supporting a voluntary country-of-origin labeling program that places no regulatory burden on domestic growers, shippers and retailers (2005).

## **Clean Air**

- Whereas clean air is essential to the quality of life for all persons as well as healthy crops and livestock, the Association is on record as:
  - Recognizing the improvements in air quality effected by current air quality standards;
  - Supporting continued improvements in air quality when the benefit exceeds the costs involved to bring about such improvements; and
  - Opposing higher air quality standards that do recognize that it is not economically feasible to prevent all forms of air pollution, such as dust created by normal farm operations in rural areas.

## **Clean Water (2008, 11, 13)**

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The Association is on record as:

Supporting the goal of the Clean Water Act to improve and protect the quality of the nation's waters but is opposed to the expansion of the Clean Water Act regulations to non-navigable waters when those regulations would place undue regulatory burdens on farmers with little or no effect on improving and protecting water quality (2008);

Opposing attempts to give the authority and control granted to states and local governments under the Clean Water Act to the federal Environmental Protection Agency (EPA) (2011);

Supporting the use of scientific data from the Agricultural Research Service to validate actual reductions in nutrient and sediment loads as specified in the Chesapeake Bay Watershed Model before investments are made by farmers in BMPs required by the Manure Management Manual, The Agricultural Water Quality Initiative and the Agricultural Watershed Implementation Plan (2011); and

Supporting the exemption from storm water management regulations for farmers who farm 10 acres or more if the proposed building is related to agriculture and if the ground is under a 2% grade (2011).

Supporting the development of guidelines to allow property owners and municipalities to remove flood-related hazards or clear streams without permits or professional engineering services provided they notify the appropriate environmental agencies prior to these activities. In the case of situations deemed emergencies by local, county, state or national authorities, flood-related hazards could be removed prior to any notification of the agencies. (2013)

## **Occupational Standards (1998)**

The Association is on record as opposing Occupational Safety and Health Administration ergonomic standards that do not recognize the nature of agricultural labor and that will impose unreasonable burdens on agricultural employers with dubious benefits to employees.

## **Food Safety and Good Agricultural Practices (2010, 11, 14)**

Whereas Pennsylvania vegetable, potato and berry growers endeavor to produce food products that are safe and nutritious, the Association is on record as:

Supporting the implementation by growers of science-based Good Agricultural Practices;

Supporting harmonization of food safety audit standards and acceptance of the USDA's Good Agricultural Practices guidelines (2010);

Concerned about the economic feasibility of small growers in Pennsylvania being able to comply with the provisions of Good Agricultural Practices, the National Leafy Greens Agreement and the Produce Traceability Initiative (2010);

Supporting provisions that allow Good Agricultural Practices audits to be scheduled when multiple crops are maturing simultaneously so the audits can be completed with just one visit to increase efficiency, remove redundancy, and reduce costs (2010); and

Supporting requirements that all imported food meet the same food safety standards as domestically produced food (2011).

Supporting the following provisions in the rules for the Food Safety Modernization Act:

- a 120-day interval between the application of raw manure if incorporated and the harvest of a crop unless there is scientific evidence show the need for a longer interval;
- involving state departments of agriculture in the enforcements of the Act;
- provisions to allow farm packing houses to pack produce from other farms if their main purpose is to pack their own produce without registering as a food packing facility subject to the Preventative Controls rules;
- using the only the sales of covered produce to determine whether a farm is exempt from the Produce and Preventative Controls rules;
- traceability alternatives that are feasible for small growers;
- exemption of produce auctions from being registered facilities subject to the Preventative Control rules;
- development of agricultural water quality standards that are science-based and are feasible for growers with multiple sources of water;
- reasonable allowances for wild animal intrusions;
- clarification of how variances and alternatives to the rules can be obtained;
- resources for the development and testing of variances and alternatives specific to regions or classes of growers;
- flexibility in the rules to allow for advances in knowledge and technology;
- exemption of retail farm markets from registration as a facility and the Preventative Controls rules; and
- requirements that imported produce meet all the same food safety standards that domestic produce is required to meet; and

Supporting the publishing of a second draft of the Produce and Preventative Controls rules for the Food Safety Modernization Act that would be open for further public review and comment. (2014)

## **Farm Support Programs (2006, 07)**

The Association is on record as supporting funding of the Specialty Crops Competitiveness Act (2006); and

Supporting the Equitable Agriculture Today (EAT) for a Healthy America Act (2007).

## **Farm Policy/Farm Programs (2012, 13, 14, 15)**

The Association is on record as advocating that the following provisions be included in the 2012 Farm Bill:

- Guaranteed payments for program commodity crops should be discontinued in favor of Loan Deficiency Payments and Counter-Cyclical Payments rewarding those who actually produce the crops.
- If guaranteed payments are continued for program commodity crops, that farmers be prohibited from planting vegetables on acreage for which they receive government subsidy payments unless such vegetable acreage is contracted for processing use only and unless the subsidy on such acreage is forfeited for the years in which vegetables are produced.
- Traditional formula funding for agricultural applied research and extension at land grant institutions should be restored to historical levels.

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- Funding for specialty crops research and promotion should be increased.
- Funding for conservation practices that enhance water and environmental quality should be increased, including funding for irrigation equipment and source development.
- Conservation programs such as CREP must be revised to only apply to highly erodible or otherwise unproductive land so that they do not increase land rental rates.
- Farm operations that are in practice operated as a single entity must be registered as one entity for Farm Bill programs rather than as several separate operations under the names of individuals employed by the operation for the purpose of skirting maximum payment limits.
- Adjusted Gross Revenue LITE insurance should not require operators to purchase separate multi-peril policies for all their crops that be may eligible for multi-peril coverage. (2012)

The Association is also on record as;

Supporting the limitation of the CREP Program to highly erodible land of 6% or more slope and/or Class III or higher soils, not to exceed 50% of the cultivated farm acres of the farm and include all environmentally sensitive areas; (2014)

Supporting the limitation of CRP and CREP acreage to no more than 25% of a farm's acreage and no more than 15% of a county's tillage acreage. (2013)

Supporting lowering CREP rental rates to reflect regional farmland rent use values. (2013)

Supporting the shift a portion of funding from the Supplemental Nutrition Assistance Program (SNAP) to the Farm Market Nutrition Program (FMNP) (2013) ; and

Supporting the establishment and use of geographical regions within states by USDA-NRCS for determining cost tables for EQIP Incentive Programs (2015).

## **Nutrition (2010)**

The Association is on record as:

Supporting strategies to increase fruit and vegetable consumption by children, such as the school salad bar program. (2010)

## **Labor (2010)**

The Association is on records as:

Opposing the elimination of secret ballots for employees to decide on union representation; (2010) and

Opposing mandatory arbitration for resolution of failed union and employer contract negotiations. (2010)

## **Education (2016)**

Supporting the eligibility of students graduating from college with student loans who return to production agriculture for the Public Service Loan Forgiveness Program (2016).