

## WASHINGTON REPORT

June 27, 2013

Lee Van Wychen

### **Farm Bill Passes Senate but is Defeated in the House**

On June 10, the Senate passed their version of a five year farm bill by a 66 – 27 vote. The Senate rejected amendments on food stamp cuts, as well as amendments to cut sugar, tobacco and other farm supports. However, an amendment by Sens. Dick Durbin (IL) and Tom Coburn (OK) reduced the government's share of crop insurance premiums by 15 percent for farmers with adjusted gross incomes of more than \$750,000. A coalition of the crop insurance industry, agriculture groups and wildlife and conservation organizations, who agreed to support conservation compliance being tied to crop insurance requirements, hoped to defeat the Durbin-Coburn amendment. They argued that cutting insurance subsidies for large farmers would lead them to insure fewer acres, which could raise insurance costs for other farmers. There is no conservation compliance requirements in the House version.

Ten days after passage of the Senate Farm Bill, the House took its own version to the floor. Despite considering over 100 amendments, the House voted down a five year Farm Bill by a vote of 195 – 234. It was a real mess as 62 Republicans voted against it while only 24 Democrats voted for it. Two particular amendments caused a number of farm bill supporters to switch their votes at the last minute, one on the dairy program and one on the Supplemental Nutrition Assistance Program (SNAP). The dairy amendment offered by Reps. Goodlatte (VA) and Scott (GA) removed a vital supply management provision from the new dairy margin insurance program included in the both the House and Senate bills. The SNAP amendment offered by Rep. Southerland (FL), would have required SNAP recipients to have a job or obtain job training to qualify for benefits and passed 227-198.

The path forward is unclear and there are all kinds of scenarios being thrown around. The House could vote on the version approved by the House Agriculture Committee in May or strip out some of the controversial SNAP amendments. The House could also take up the Senate passed bill or simply start negotiating with the Senate in conference to craft a final law. There is even talk of splitting up the Farm Bill into two separate bills- one for nutrition programs which account for 80 percent of the bill's spending and another for farm and conservation programs, including the research title. However, the most likely outcome at this time will be an extension of the current farm law, despite steadfast opposition from Senate leaders.

### **FY 2014 Ag Appropriations**

Both the House and Senate Subcommittees for ag appropriations have passed draft language for USDA's FY 2014 spending. Those spending levels are based on the budget allocations, i.e. the 302(b)'s, approved by the House and Senate Budget committees. The FY 2014 spending cap for Senate Ag Approps is \$20.93 billion, **\$1.48 billion more** than

the House allocation of \$19.45 billion and \$420 million more than the FY 2013 pre-sequester enacted level of \$20.5 billion. The brutal House spending limits are due to how they are handling the budget sequestration requirements for FY 2014. The House approach generally sets spending levels low enough to avoid sequestration, while the Senate approach assumes that Congress will reach agreement to replace sequestration with other spending reductions in FY 2014.

In general, the spending numbers for the agriculture research, extension, and education are favorable in both bills, relative to other sections of the bills. The Senate bill provides \$1.278 billion for the National Institute of Food and Agriculture (NIFA), which is \$75 million above fiscal year 2013, while the House provides \$1.209 billion. For the Agriculture and Food Research Initiative (AFRI), the House recommends \$290 million while the Senate recommends \$316 million. The Senate also increases Hatch Act and Smith-Lever funding by \$14 million while the House maintains pre-sequester funding levels for both.

The Administration again proposed to consolidate some pest management related programs into a Crop Protection line item in the Integrated activities like last year, except this time they did not include the IR-4 program in the proposal and kept it where it has always been in the Research activities account. Last year, the House and Senate appropriators rejected the Administration's proposal because IR-4 would have incurred indirect cost recovery of approximately 30 percent if they were moved from the Research activities account to the Integrated activities account. This year, the House agreed with the Administration's proposal and funded the Crop Protection/Pest Management Program at \$17.1 million. This line item will fund the following five programs: Extension IPM Coordinators (Smith-Lever 3d), Regional IPM Centers, the Expert IPM System, the IPM Grants program, and the Pest Management Alternatives Program (PMAP).

The USDA Agricultural Research Service (ARS) stirred up some controversy on the Hill this spring by proposing to change the way Congress provides money for the agency to build and maintain research centers. Instead of taking years to accumulate enough money to move ahead on projects, ARS decided to ask for full funding for selected projects. For FY 2014, the agency requested \$155 million to replace a poultry research facility in Athens, GA. Poultry is Georgia's top agricultural product, and the state leads the nation in poultry production. However, House Appropriators have rejected that proposal because they are "unable to provide funding for new construction due to the tight budget cap." Despite that setback, the Senate bill provides \$1.123 billion for ARS, which is \$51 million above FY 2013, while the House provides \$1.074 billion.

### **Jewell Confirmed as Interior Secretary**

The Senate voted 87-11 to confirm Sally Jewell as the next Secretary of the Interior, replacing outgoing Secretary Ken Salazar. The Interior Department oversees 500 million acres of federal land, as well as tribal land and the outer continental shelf, including recreational activities, oil and gas development, and water reclamation efforts. Jewell, who lives in Seattle, is the head of outdoor gear giant REI, Inc. Before taking the REI

job, she spent two decades working in the banking industry and began her career as an engineer for Mobil Oil Corp. While Jewell's confirmation hearing went relatively smoothly, Sen. Barrasso of Wyoming said Jewell demonstrated a lack of familiarity with many of the issues that come before Interior's agencies. Under his questioning, Jewell declined to commit to recusing herself from the development of regulations governing hydraulic fracturing to extract oil and gas on public lands, despite the fact that she served on the board of the National Parks Conservation Association for nearly 10 years. During that time, Barrasso said, the NPCA sued the Interior Department almost 60 times over a variety of issues, including oil and gas production and uranium mining. While some Republican senators, such as Barrasso, remained opposed to Jewell and voted against her confirmation, none of them spoke against her during the floor debate.



*Interior Secretary Sally Jewell, along with John "Chip" Akridge, National Park Service Director Jon Jarvis and David Rubenstein touch the top of the Washington Monument. The Washington Monument is currently covered in scaffolding for repairs from an August 2011 earthquake. Photo: Tami A. Heilemann*

### **Environmentalists “Mega” Lawsuit Against EPA Dismissed**

The Center for Biological Diversity's (CBD) "mega" suit against the EPA on grounds they regularly failed to consult regulators responsible for protecting endangered species was dismissed by a U.S. Federal Court judge on the grounds that the environmentalists failed to cite violations specific enough to support its complaint. CBD filed its suit in January 2011 alleging that EPA registered 382 chemicals without consulting the U.S. Fish & Wildlife (FWS) and National Marine Fisheries Service (NMFS) if pesticide

registrations impact the habitats of endangered, or listed, species. The suit alleged 214 species were affected by the registration of the chemicals.

Rather than identifying any specific registration action by EPA concerning which there was a failure to consult, the plaintiffs based their complaint on the theory that EPA "retains discretionary control and involvement" over each of the identified pesticides and that such control constitutes ongoing administrative action requiring consultation under the ESA. The court decisively rejected this concept, holding that the plaintiffs "must allege a separate ESA claim corresponding to an affirmative act with respect to each of the 382 pesticides."

### **National Academies Report Released on Endangered Species Risk Assessment**

Over the last decade, questions have been raised regarding the best approaches or methods for determining the risks pesticides pose to listed species and their habitats. The U.S. EPA, Fish and Wildlife Service (FWS), and National Marine Fisheries Service (NMFS) have developed their own approaches because their legal mandates, responsibilities, institutional cultures, and expertise differ. Although the agencies have tried to resolve their differences in assessment approaches, they have been unsuccessful at reaching a consensus. As a result, the National Research Council was asked to examine the scientific and technical issues related to determining risks posed by pesticides to listed species.

The committee that wrote the report said that a common approach among the agencies is needed. The risk assessment paradigm that traces its origins to the Research Council reports Risk Assessment in the Federal Government: Managing the Process and more recently to Science and Decisions: Advancing Risk Assessment has become scientifically credible, transparent, and consistent; is reliably anticipated by all parties involved in decisions regarding pesticide use; and clearly articulates where scientific judgment is required and the bounds within which such judgments can be made. Such a process is used broadly for human-health and ecological risk assessments throughout the federal government.

If FWS and NMFS could build on EPA's analysis of whether a pesticide is likely to adversely affect a listed species rather than conduct a completely new analysis, the assessment would likely be more effective and scientifically credible, the committee determined. Furthermore, agreement among the agencies has been impeded by a lack of communication and coordination throughout the process. Therefore, the committee emphasized the need for coordination, which it views as necessary to ensure a complete and representative assessment of risk and that each agency's technical needs are met.

The committee examined several components of the risk assessment process where better coordination and agreement would facilitate an integrated approach to examining risks to listed species and their habitats. These included evaluating methods for identifying the best scientific data available, assessing approaches for developing modeling assumptions, identifying geospatial information that might be used in the risk

assessment, reviewing approaches for characterizing effects, analyzing the scientific information available for estimating effects of mixtures and inert ingredients, and examining the use of uncertainty factors to account for gaps in data.

Report: [http://www.nap.edu/openbook.php?record\\_id=18344](http://www.nap.edu/openbook.php?record_id=18344)

### **NASS Pesticide Use Data for Soybeans and Wheat Released**

In May, USDA's National Agricultural Statistics Service (NASS) published the Agricultural Chemical Use Survey data for soybeans and wheat. During the fall of 2012, NASS conducted the survey among soybean producers in 19 states and wheat producers in 15 states. The information released includes on-farm fertilizer use, pesticide use, and pest management practices. Please see:

[http://www.nass.usda.gov/Surveys/Guide\\_to\\_NASS\\_Surveys/Chemical\\_Use/index.asp](http://www.nass.usda.gov/Surveys/Guide_to_NASS_Surveys/Chemical_Use/index.asp)

Farmers applied herbicides to 98 percent of soybean planted acres, more widely than insecticides (18 percent) and fungicides (11 percent). The top monitoring practice for managing pests was scouting for weeds, used on 94 percent of planted acres. Glyphosate was applied to nearly 90% of the soybean acreage last year.

For wheat, herbicides were applied to 99% of the durum wheat, 97% of the spring wheat, and 61% of the winter wheat. The most widely used herbicide on durum wheat was bromoxynil on 46% of acres while fluroxypyr was used on 45% of the spring wheat acreage and thifensulfuron was applied to 14% of the winter wheat acreage.

NASS plans to conduct pesticide use surveys on wheat and soybeans again in 2016 and 2017, respectively. Other planned reviews over the next few years include peanuts and rice (2013), cotton and oats (2014), maize and potatoes (2015) and fruit and sorghum (2016).

Lee Van Wychen, Ph.D.  
Science Policy Director  
National and Regional Weed Science Societies  
5720 Glenmullen Place  
Alexandria, VA 22303  
[Lee.VanWychen@wssa.net](mailto:Lee.VanWychen@wssa.net)  
cell: 202-746-4686  
[www.wssa.net](http://www.wssa.net)