

WASHINGTON REPORT

January 1, 2016

Lee Van Wychen



*On December 4, Dr. David Shaw (standing) presented a seminar titled “**Battling the Wicked Problem of Herbicide Resistance: The Human Dimensions of Herbicide Resistance Evolution**” to Congressional staffers in the House Agriculture Committee in Washington, DC. Seated at the table next to Dr. Shaw (from right to left) are Dr. Donn Shilling, WSSA Science Policy Committee Chair, Dr. Dallas Peterson, WSSA President, and Dr. Lee Van Wychen WSSA Science Policy Director. Dr. Peterson provided closing remarks for the seminar.*

Congress Passes an Omnibus Funding Bill for FY 2016

The omnibus spending bill passed by Congress in December includes full Appropriations legislation and funding for the 12 annual Appropriations bills through the end of the fiscal year, Sept. 30, 2016. The level reflects the increased domestic discretionary funding provided by the Bipartisan Budget Act of 2015, which was enacted on Nov. 2, 2015. Overall, the omnibus is good news for weed and invasive plant research. USDA-NIFA, -ARS, -APHIS, and -NRCS all got modest increases compared to last year. Funding for the Aquatic Plant Control Research Program doubled from \$4M to \$8M, however, half of that is slated for new watercraft inspection stations. The biggest winner was the Agricultural and Food Research Initiative (AFRI) which saw an increase from \$325M to \$350M. Earlier this year, the Senate proposed to flatline AFRI at \$325 million, while the House proposed just a \$10M increase over 2015. USDA funding remained constant to last year’s levels for the Hatch Act (\$244M), Smith-Lever Act section b & c (\$300M), IR-4 (\$11.9M), and Crop Protection & Pest Management (\$17.2M), which includes funding for the Regional IPM Centers and Extension IPM.

WSSA Supports Areawide IPM Bill Introduced in Congress

In November, Rep. Tulsi Gabbard (HI) introduced the Areawide Integrated Pest Management (AIPM) Act of 2015 (H.R. 3893). The bill amends the Integrated Research, Education, and

Extension competitive grants program by adding a focus on grants for Areawide IPM. The competitive grants would be awarded to colleges and universities for Integrated projects as determined by the Secretary of Agriculture in consultation with a 9 member committee for AIPM “representing stakeholder groups with experience in areawide research programs carried out by Federal, State, or private entities”. “Integrated” programs must include aspects of research, education and extension. Currently funded “Integrated” programs include Crop Protection and Pest Management (CPPM), Water Quality, Methyl Bromide Transitions, and Organic Transitions. Previous programs that received “Integrated” funding included Crops at Risk (CAR) and the Risk Avoidance and Mitigation Program (RAMP). WSSA is working with Rep. Gabbard and other groups to build support among stakeholders and find co-sponsors in the Senate. Ideally, we’d like to see this language included in the next Farm Bill. Rep. Gabbard’s speech on the House floor and press release introducing the AIPM bill can be found [HERE](#).

EPA Extends Comment Period for Pesticide Applicator Rule

EPA extended the public comment period by one month to Jan. 23, 2016 regarding its proposed changes to the certification and training standards for pesticide applicators. The Science Policy Committee has been discussing these proposed changes, which will have significant costs and impacts on state lead agencies, university extension programs, and the applicators subject to regulatory certification. The proposed rule is complex and includes numerous new, revised, and deleted definitions. Our main concerns with the proposed revisions include:

1. Three-Year Frequency for Demonstrating Competency
2. Requirement for Earning Continuing Education Units (CEUs) every 18 months
3. Minimum Age
4. Private Applicator Competency Requirements
5. Impact on General Use Pesticide Applicators
6. Definition of “Use”
7. Definition of “Mishap”

Full Rule Proposal – [Pesticides: Certification of Pesticide Applicators](#)

EPA is accepting comments on the proposal until **January 23, 2016**. To comment now, please go to: [EPA-HQ-OPP-2011-0183](#)

WOTUS Rule Fix Not Included in Omnibus

The EPA’s and Army Corps of Engineer’s Waters of the U.S. (WOTUS) rule survived a proposed roll-back in the omnibus despite the Government Accountability Office's (GAO) finding that the EPA broke the law by violating publicity or propaganda and anti-lobbying provisions. See: <http://www.gao.gov/products/B-326944> By the time the GAO report was issued, lawmakers were already hashing out a deal to end the 40 year old oil export ban in exchange for the removal of environmental riders in the omnibus bill.

In November, Democrats filibustered a bill (S. 1140) from Sen. John Barrasso (WY) that would have forced the EPA to scrap the WOTUS rule and start over. Instead, senators passed a

filibuster-proof resolution to block the rule, but lawmakers didn't have enough votes for a 2/3 majority to overcome an Obama veto.

Meanwhile, the U.S. Court of Appeals for the 6th Circuit is currently weighing whether it, or the federal district courts, should have authority over the many challenges to the WOTUS rule, but has not yet issued a decision. The North Dakota district court suit, *State of North Dakota, et al., v. EPA, et al.* is continuing absent a 6th Circuit order.

Finally, the American Farm Bureau Federation is publicizing a California farmer's dispute with the Army Corps of Engineers as a cautionary tale for what could happen if the WOTUS rule is adopted. John Duarte, the California farmer, was issued a cease and desist order by the Army Corps of Engineers for basically plowing his field and planting wheat. The Army Corps of Engineers claimed that Duarte violated the Clean Water Act in discharging dredge-and-fill materials in a nearby creek without a permit. For details, see:

http://www.fb.org/newsroom/news_article/383/

2015 a Record-Setting Year for Federal Regulations

Speaking of federal rules ----- this year's Federal Register, which publishes federal agency rules, proposed rules, and notices as well as executive orders from the president totaled 81,611 pages (with one day to go in 2015). That's an all time record, and is over 4,000 pages more than last year and surpasses the previous record set in 2010. They may have to rewrite the civics textbooks to include a 4th branch of government---- "the regulators"! (That's an inside joke here in the nation's capitol among policy wonks.) In 2015, there were 3,378 final rules and regulations among the pages of the Federal Register, with another 2,334 proposed rules that are at various stages of consideration.

Europeans, Canadians Conclude Glyphosate 'Unlikely to Cause Cancer in Humans'

In November, the very cautious European Food Safety Authority (EFSA) concluded that glyphosate is unlikely to cause cancer in humans. The Canadian Pest Management Regulatory Agency (PMRA) in April also concluded that "the overall weight of evidence indicates that glyphosate is unlikely to pose a human cancer risk." EFSA stated glyphosate toxicity should be reduced by lessening its dose, but the substance is not likely to be genotoxic or damaging to DNA. "Glyphosate is not proposed to be classified as carcinogenic under the EU regulation for classification, labeling and packaging of chemical substances," EFSA says. "In particular, all the Member State experts but one agreed that neither the epidemiological data (i.e., on humans) nor the evidence from animal studies demonstrated causality between exposure to glyphosate and the development of cancer in humans."



National Invasive Species Awareness Week: February 21 – 27, 2016

SAVE THE DATE- Participate in events across the nation to raise awareness and identify solutions to invasive species issues at local, state, tribal, regional, international and national scales. Locate an invasive species event in your state or county. Plan your own event using the NISAW Toolkit – where and when it works for you! Plan to attend the NISAW 2016 reception and briefings on Capitol Hill! Check www.nisaw.org for the NISAW Toolkit for planning local events and the NISAW Event Locator – as well as more specific dates, details, event schedules, complete lists of partners and further developments and other potential events in Washington, DC.

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