

## WASHINGTON REPORT

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### **Congress Avoids Sequestration with 2-Year Budget Agreement**

On February 9, Congress approved a budget blueprint for FY 2018 and FY 2019 that raised the sequestration caps on defense and nondefense discretionary spending by nearly \$300 billion over two years, with nondefense discretionary spending - the biggest source of research funding - getting a \$63 billion boost in FY 2018 and an additional \$68 billion in FY 2019. The agreement passed in the Senate (71-28) and House (240-186) and was signed into law by President Trump.

### **Congress Approves FY 2018 Omnibus Appropriations**

After several weeks of negotiations following the 2-year budget agreement, the House voted 256-167 and the Senate voted 65-32 to approve the bill that distributes \$1.3 trillion in funding for the remainder of FY 2018. The President signed the bill on March 23. The federal government was operating under a Continuing Resolution since Oct. 1, 2017.

The omnibus appropriations legislation provides either increased or level spending for most of the science agencies. Agricultural research programs, including the Agricultural Research Service (ARS) and the National Institute of Food and Agriculture (NIFA), will receive \$3.03 billion, an increase of \$138 million over FY 2017 and rejects the Administration's proposal to close 17 ARS locations. The Agriculture and Food Research Initiative (AFRI) is funded at \$400 million, \$25 million over FY 2017 and the Sustainable Agricultural Research and Education (SARE) program is funded at \$35 million, an increase of \$8 million over FY 2017. The Hatch Act (\$243M), Smith Lever b & c (\$300M), IR-4 (\$11.9M) and Crop Protection and Pest Management (\$20M) programs are all level funded compared to FY 2017.

The Aquatic Plant Control program in the Army Corp of Engineers was appropriated \$5 million in FY 2018, a \$1 million increase over FY 2017, plus an additional \$1 million was designated for flowering rush control. The Great Lakes Restoration Initiative and the National Sea Grant Program will receive \$300 million and \$65 million, respectively, which is at or just above 2017 levels.

### **Wildfire Funding Fix in FY 2018 Omnibus**

U.S. Secretary of Agriculture Sonny Perdue expressed his appreciation for the work of Congress to find a bipartisan fix for the way the U.S. Forest Service (USFS) is funded for fighting wildfires. "The fire funding fix, which has been sought for decades, is an important inclusion in the omnibus spending bill and I commend Congress for addressing the issue," said Secretary Perdue. "Improving the way we fund wildfire suppression will help us better manage our forests. If we ensure that we have adequate resources for forest management, we can mitigate the frequency of wildfires and severity of future fire seasons. I thank Congressional leaders, with whom I've frequently discussed this issue."

The solution included in the omnibus provides a new funding structure from FY2020 through FY2027. Beginning in FY2020, \$2.25 billion of new budget authority is available to USDA and the Department of the Interior. The budget authority increases by \$100 million each year, ending

at \$2.95 billion in new budget authority by FY2027. For the duration of the 8-year fix, the fire suppression account will be funded at the FY 2015 President's Budget request - \$1.011 billion. If funding in the cap is used, the Secretary of Agriculture must submit a report to Congress documenting aspects of fire season, such as decision-making and cost drivers, that led to the expenditures. The omnibus includes a 2-year extension of Secure Rural Schools, providing provide rural counties approximately \$200 million more per year. It also provides Federal Land Transaction Facilitation Act Reauthorization. The legislation also includes seven important forest management reforms, including:

- Categorical Exclusion for Wildfire Resilience Projects
- Healthy Forest Restoration Act inclusion of Fire and Fuel Breaks
- 20-year Stewardship contracts
- Cottonwood Reform
- Fire Hazard Mapping Initiative
- Fuels Management for Protection of Electric Transmission Lines
- Good Neighbor Authority Road Amendment

Until the funding solution was achieved, the fire suppression portion of the USFS budget was funded at a rolling ten-year average of appropriations, while the overall USFS budget remained relatively flat. Because fire seasons are longer and conditions are worse, the ten-year rolling fire suppression budget average kept rising, consuming a greater percentage of the total Forest Service budget each year. This increase forced the agency to take funds from prevention programs, such as invasive species management, to cover fire suppression costs. In addition, hunting, fishing, and other recreational programs were cut to cover the costs of fire suppression.

### **PRIA Authorization Extended to Sept. 30.**

The FY 2018 Omnibus spending bill temporarily extended the authorization for the Pesticide Registration Improvement Act (PRIA) to Sep. 30, 2018. PRIA sets a fee schedule for registrants (~\$46 million in FY 2017) in exchange for specified time frames for regulatory decisions on low risk products and increased funds for pesticide education and training. PRIA reauthorization was easily expected in 2017, but environmentalists have blocked its passage to protest other unrelated regulatory decisions by EPA. The registrant fees provided under PRIA support approximately 200 positions in the EPA Office of Pesticide Programs, which is just over 1/3 their workforce.

### **Many Federal Agency Leadership Positions Still Vacant**

Over a year into the Trump Administration, many federal agency leadership positions remain unfilled for a variety of reasons. Of the 642 key positions requiring Senate confirmation, 293 have been confirmed by the Senate as of March 23. Just under half of the key leadership positions at USDA, DOI and EPA have Senate confirmed appointments. The Washington Post and Partnership for Public Service are [tracking roughly 600 key executive branch nominations](#) through the confirmation process.

### **Northey Confirmed to Lead USDA Farm Production and Conservation Programs**

The Senate confirmed Bill Northey to serve as USDA Under Secretary for Farm Production and Conservation on voice vote on Feb. 27 after Sen. Ted Cruz (TX) lifted his nearly 6 month hold on Northey's nomination. Unfortunately Northey was used a political football by Sen. Cruz and

the oil industry in an on-going tiff over the Renewable Fuel Standard (RFS). Under Secretary Perdue's reorganization plan for USDA, Northey will oversee the Farm Service Agency (FSA), Natural Resources Conservation Service (NRCS) and the Risk Management Agency (RMA).



Northey is a corn and soybean farmer from Spirit Lake, IA. He is a 1981 graduate of Iowa State University with a degree in agricultural business and also received an M.B.A. from Southwest Minnesota State University in 2004. Northey served as president of the National Corn Growers Association from 1995-96 and was co-founder and president of Innovative Growers, LLC, a farmer-owned and managed group designed to capitalize on demand for the production of specialty grain products. Northey had served as Iowa's Secretary of Agriculture since 2006, having won races in 2006, 2010 and 2014. Some of you may remember Bill when he addressed NCWSS members at the 2016 meeting in Des Moines. He will have a key role in shaping the 2018 Farm Bill, which Congress will start to move forward on shortly.

### **IR-4 Project Contributes \$9.4 Billion to GDP**

Since 1963, the IR-4 Project has been the major resource for supplying pest management tools for specialty crop growers by developing research data to support new EPA tolerances and labeled product uses. Since its inception, IR-4 Project data has supported the approval of nearly



50,000 conventional reduced risk pesticides and biopesticides in fruits, vegetables, nuts, herbs, and ornamental crops. A recently [updated study](#) out of Michigan State University shows that the IR-4 Project supports over 95,000 U.S. jobs and contributes about \$9.4 billion to annual gross domestic product (GDP). Considering that the IR-4's core budget is only around \$15 million annually, this is an incredible return on taxpayer investment. **Dr. Jerry Baron** (photo), Executive Director of the IR-4 Project, recently presented a seminar on Capitol Hill titled "[Keeping the Good Food, Good](#)" where he discussed the role of the IR-4 Project in preventing pest damage and food waste in specialty crops.

### **EPA Concludes Glyphosate Not Carcinogenic**

In late December, EPA released its [human health draft risk assessment and supporting documents](#) that concludes that glyphosate is not likely to be carcinogenic to humans and found no other meaningful risks to human health when the product is used according to the label.

On Feb. 27, EPA officially opened a 60 day comment period on both its human health and ecological draft risk assessments for glyphosate. Comments are due **April 30, 2018**. Details are at: <https://www.regulations.gov/docket?D=EPA-HQ-OPP-2009-0361>

### **California Judge Strikes Prop 65 Labeling Requirement for Glyphosate**

On Feb. 27, a federal judge issued a preliminary injunction prohibiting California from implementing its Proposition 65 labeling requirement for glyphosate. This injunction was sought out by more than a dozen agricultural groups, including commodity organizations, industry representatives and eleven attorneys general across the U.S. The National Association of Wheat

Growers was the lead plaintiff in the case. The decision will halt California's labeling requirement until a final ruling is issued later in court.

The judge stated that given the heavy weight of evidence in the record that glyphosate is not in fact known to cause cancer, the required warning is factually inaccurate and controversial. California initiated the Prop 69 labeling requirement based on the IARC finding in March 2015, which we now know edited out non-carcinogenic findings and was a case of gross scientific negligence. "It is inherently misleading for a warning to state that a chemical is known to the state of California to cause cancer based on the finding of one organization" said the judge, "when apparently all other regulatory and governmental bodies have found the opposite, including the EPA, which is one of the bodies California law expressly relies on in determining whether a chemical causes cancer".

### **EPA Being FOIA'd and Sued at Record Pace**

From Jan. 20 to Dec. 31, 2017, EPA received 11,431 FOIA requests, up about 17 percent compared with an equivalent period during Obama's last year in office, according to an analysis by the Project on Government Oversight. Likewise, outside groups have filed 55 lawsuits against Trump's EPA for public records thus far. As a comparison, George W. Bush's EPA faced only 57 FOIA lawsuits during his entire 8-year presidency.

### **Hurricanes Hammer Monarchs But Conservation Efforts Continue**

On March 5, the overwintering area for monarch butterflies in Mexico was reported as 2.48 ha, which is down for the second year in a row from the 4.01 ha occupied in 2015-16. By all accounts, there were some excellent monarch numbers reported in the upper Midwest last summer, but the occurrence of two tropical storms and three hurricanes during the monarch fall migration was attributed to the decline.

On-going monarch conservation efforts such as the Mid-America Monarch Conservation Strategy continues with plans to establish 1.3 billion new milkweed stems over the next 20 years in the upper Midwest monarch breeding areas. In Iowa alone, the [Iowa Monarch Conservation Consortium](#) seeks to establish approximately 480,000 to 830,000 acres of monarch habitat by 2038. The U.S. Fish and Wildlife Service is working to [assess the effectiveness these monarch conservation efforts](#) and has until June of 2019 to determine whether the monarch should be listed under the Endangered Species Act.

### **New CAST Issue Paper: Regulatory Barriers to the Development of Innovative Agricultural Biotechnology by Small Businesses and Universities**

Despite foundational contributions requiring considerable public resource commitments for genetically engineered (GE) crop innovation and development, academic institutions and small private entities have been almost entirely excluded from the agricultural biotechnology market.

This issue paper explains the problem by examining several key topics:

- the history of GE or genetically modified development and regulations
- evidence that genetic engineering in plants is safe and beneficial
- the need for better record keeping and communication about management and practices

- the problem of inconsistent and costly regulations--by U.S. and international agencies
- poor regulatory practices that hinder production and commerce--and lead to trade disputes
- unfair labeling practices that influence consumer perceptions and negatively affect research and development--especially for academic institutions and small businesses

Unreasonable barriers result in biotech innovation projects that have been slowed down or shelved. Regulations need to align with the stated public policy goal of reasonably assuring safety--in a way that is commensurate with the degree of risk posed. Otherwise, public, academic, and small business entities will continue to be frustrated in using these safe and beneficial tools. The 35-year history of public and small private investment in agricultural biotechnology will continue to be squandered.

This [CAST Issue Paper \(IP59\)](#) and its [companion Ag quickCAST](#) are available online at the [CAST website](#), along with many of CAST's other scientific publications. CAST Issue Papers, Commentaries, and Ag quickCASTs are FREE.

### **Federal Rule Delays 2015 WOTUS “Applicability Date” to Feb. 6, 2020**

The EPA and the Army Corps of Engineers (The Agencies) finalized a rule on January 31 that delays the “Applicability Date” of the 2015 Waters of the United States (WOTUS) rule. The “Applicability Date” Rule was intended to avoid confusion with a recent Supreme Court ruling regarding federal court jurisdiction and give the Agencies additional time to carry out the President’s two-step Executive Order on WOTUS issued last year.

The comment period for the Agencies proposed “step-one” rule to rescind the 2015 WOTUS rule closed in September 2017 and a final rule could be released at any time. The Agencies proposed “step-two” rule to revise the definition of “waters of the United States” is expected out later this year.

### **NPDES Fix Legislation**

There is a renewed effort on the Senate side to pass a NPDES fix bill, S. 340, which is the companion bill to H.R. 953 on the House side that was passed on May 24, 2017. The bills amend FIFRA and the Clean Water Act to prohibit the EPA from requiring duplicative permitting under the National Pollutant Discharge Elimination System (NPDES) for a pesticide application into navigable waters if the pesticide is already approved for aquatic use under FIFRA. The six national and regional weed science societies endorsed letters of support to both the [House on H.R. 953](#) and the [Senate on S. 340](#) and recently endorsed a letter urging the House Ag Committee to include the NPDES-fix language in the 2018 Farm Bill.



### **February 26 – March 2, 2018**

We had another successful NISAW that was held in conjunction with a [3 day meeting](#) of the federal Invasive Species Advisory Council (ISAC). Please visit [www.nisaw.org](http://www.nisaw.org) to check out the activities that occurred during the week. One Capitol Hill seminar that I was particularly excited about was

“Gene Drives 101: Perspectives on Potential Invasive Species Management” led by Heath Packard, Director of Government and Public Relations for Island Conservation. They are part of the Genetic Biocontrol of Invasive Rodents (GBIRD) program, an international partnership investigating both the suitability and feasibility of gene drives as a potential tool to safely achieve island invasive species eradications.

The ISAC meeting was also productive and there was good discussion on the priorities the National Invasive Species Council (NISC) should consider in drafting their 2019-2021 invasive species management plan.

Next year will be the 20<sup>th</sup> NISAW! If you are interested in getting involved with NISAW or would like to sponsor events during the week, please contact me at [Lee.VanWyche@wssa.net](mailto:Lee.VanWyche@wssa.net) or Rick Otis with the Reduce Risks from Invasive Species Coalition (RRISC) at [rick.otis@rrisc.org](mailto:rick.otis@rrisc.org).

### **Western Governors’ Association Lists “Top 50 Invasive Species in the West”**

On March 15, the Western Governors Association (WGA) released its first ever list of their top 25 terrestrial and aquatic invasive species. Weeds dominated both the terrestrial (18 of 25) and aquatic (10 of 25) categories and included the #1 ranked invasive species on both land (*Tamarix spp.*, saltcedar) and water (*Myriophyllum spicatum*, Eurasian watermilfoil). [Download the complete list.](#)

### **2018 Survey of the Most Common and Troublesome Weeds Now Available**

The National and Regional Weed Science Societies survey of the most common and troublesome weeds in the U.S. and Canada is now available at:

<https://www.surveymonkey.com/r/2018weedsurvey>

The 2018 survey focuses on weeds in the following areas:

- 1) Aquatic: irrigation & flood control
- 2) Aquatic: lakes, rivers, reservoirs
- 3) Aquatic: ponds
- 4) Forestry
- 5) Natural Areas: parks, wildlife refuges
- 6) Ornamentals: field nursery crops, outdoor containers, Christmas trees
- 7) Right-of-Ways: railways, roads, public utilities.

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### **Meetings of the National and Regional Weed Science Societies**

**Jul. 15 - 18, 2018** Aquatic Plant Management Society (APMS), Buffalo, NY [www.apms.org](http://www.apms.org)

**Dec. 3 - 6, 2018** North Central Weed Science Society (NCWSS), Milwaukee, WI [www.ncwss.org](http://www.ncwss.org)

**Jan. 7 - 10, 2019** Northeastern Weed Science Society (NEWSS), Baltimore, MD [www.newss.org](http://www.newss.org)

**Feb. 3 - 7, 2019** Southern Weed Science Society (SWSS), Oklahoma City, OK [www.swss.ws](http://www.swss.ws)

**Feb. 11 - 14, 2019** Weed Science Society of America (WSSA), New Orleans, LA [www.wssa.net](http://www.wssa.net)

**Mar. 11 - 14, 2019** Western Society of Weed Science (WSWS), Denver, CO [www.wswscience.org](http://www.wswscience.org)