

WSSA Science Policy Committee  
Quarterly conference call  
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Lee – the NPDS issue is still first and foremost on many people's minds. They have the Bill, and of course, the House version was passed with 2/3 majority this spring, and the Senator Roberts of Kansas introduced the Senate version. We were hoping the House version would get attached to one of the budgets riders for the 2011 appropriations, but that didn't happen. So back to ground strategy of stakeholder support, there's been a lot of groups, way more than I ever thought would be interested in this, that are supporting it. For the bill in the Senate, the problem was we did have the Senate Ag Committee, Debbie Stabenow's, support initially, and then there was a little bit of wavering in the middle. But some of the recent reports that I've heard is that she wants to see this happen. Our fear in the Senate is that Senator Boxer of the Environment and Public Works Committee would put a hold on any type of legislation regarding the NPDS bill that the House passed. But as we go down, and I'm getting this secondhand, there was this big fight over the jurisdiction of the bill that was introduced in the Senate by Pat Roberts of Kansas, between the Senate Agriculture OCmmittee and the Senate Environment and Public Works Committee. Stabenow chairs Senate Ag and Boxer chairs Environment and Public Works, and according to secondhand reports, Boxer didn't want anything to do with this bill, even though the staff of the Environment and Public Works had put in a request to the parliamentarian to get jurisdiction of this bill. So there was a big fight that went on and, as it worked out, there was all this "he said, she said" between staff and the senators, and Boxer and Stabenow actually went down to the parliamentarian in the Senate, and Boxer said, "I don't want to have anything to do with this," and they got it worked out. So that's a very good sign that this would move forward in the Senate. On top of that, Senator Roberts was saying that this bill will get done. So, we are hopeful that with some more pressure, a lot of coalition meetings, a lot of staff meetings, with all the senators trying to get everyone on board, we're looking at getting this done before the current deadline, or the extended deadline for the date for when you would require a permit for the NPDS, which is October 31 this year.

John – I had pretty much heard exactly the same stuff.

Lee – any other that any of you've heard out there?

Cody – I received an email earlier today that basically outlined the same information. They sent an article that had come out somewhere, I forget where now, saying that Boxer was involved. That was kinda the backbone of it, and other than that, that's about all I've heard.

Lee – So, moving forward on this as an action item, when the time comes, we will support any letters that would support the Roberts bill. Now if Stabenow comes along and wants a little different version of that, I'm assuming that we're going to support that, as well. The bottom line is that it does prevent the so-called double permit problem that we have between the Clean Water Act and FIFRA. We've been supporting this now for three years, and we can see the light at the end of the tunnel, I think, given this most recent information. There have been concerns from Fish and Wildlife, Forestry, BLM, that some of the states wanted to move forward with the current EPA permits that they've released for comment, or not actual for comment, this is the final version. So they're all concerned as well, as much as we are, on how much this would affect them. We will continue to follow this and put letters out when appropriate.

John – Do you think it's worth sending information out to the membership, along with a way to contact their senators or senators that are on this specific committee?

Lee – I'm a little bit hesitant with the possibility that Stabenow might put her own legislation out there on this issue. She's always stood back and said, "well, let's wait and see what the EPA does." And not that it would contradict senator Roberts bill...I mean, I think that's definitely an option, John, as we come down the pipe here toward August and September when the push will really be on. It certainly can't hurt to say, "Yes, I support Senator Roberts' bill. Please co-sponsor the legislation." Let's put that on our Top Five list right now as an action item, and we'll go from there. Any other thoughts or concerns?

??? – (unintelligible) that he might think about doing in order to talk to the states about not implementing. I mean, I know California was going ahead, but I suppose that's a done deal and there's nothing we can do to talk to them, send letters to them asking them not to move forward before the federal (something).

Lee – my understanding of this, from a judicial point of view, is that the states are not allowed to enact to EPA permit draft that they have out until the court decision becomes final.

John – that's not entirely true, what it is is that they don't have to enact it until next October. Now California has decided to go forward because it has something similar to this already in place. And I think New Jersey or New Hampshire, one of those states, has also decided to go forward. But other states, like Virginia, which had gone forward, had recinded it and pulled it back, and are waiting until October. Indiana's the same way. And so the states can do this, I mean, they can pass whatever laws they want, but now they don't have to until the date comes around.

Lee – so California, Oregon, Washington, is that the same in all three cases, then, John?

John – No. No, California's quite different. Oregon and Washington are not yet going forward, as I understand it.

?? – Actually Washington and California will be going forward renewing their permit. Actually, California just finished drafting all their permits, so they're still in the draft mode. Now with Oregon, they're actually rescinding it, and they're kind of waiting to see what's going on. I was actually up there when we had the WSSA meeting, and I went by and talked to the DEP people there, excuse me, DEQ people, Sonja Bjorn is her name, she's the one that actually writes the permits. I was talking to her specifically about ??? irrigation canals, and she said that as long as this is still being decided on in the courts, they're not going to implement anything new in regards to the state of Oregon. So they're just holding out, waiting to see what happens. Everybody I've spoken with out there, it really seems like more than likely, regardless of what happens with the congressional fix, it seems like California and Washington state will probably still keep their permit system.

Lee – to add to that, it's not like this is a brand new permitting system that we have. Over 25 states have some kind of Aquatic Use permit in place. Some states are much more stringent than others in terms of what they require. John, to go back to your original question, I still think there's going to be a time in the next few months here where we're going to need to call in the troops for support and write their congressman, but right now they're more worried about budgetary and whatnot. I just don't think the timing's right, given that we have a few more months to work on this yet.

John – I'm good with that, but sooner or later, I think there will be a trigger, too.

Lee – Without question. Alright, moving forward here. NIFA, AFRI, we did have some moderate successes in the 2011 budget cycles, given what the current constraints were, but success is the relative word compared to not losing too much money. Right now, yesterday, they had a markup hearing in the House Ag Appropriations about the agriculture budget, and a lot of people are really complaining that agriculture is taking too much of a hit compared to some of the other compartments. The draft that came out yesterday had the AFRI program under NIFA program, they're looking for a new administrator. The AFRI program was at like \$268 million, and we're hoping for much higher numbers. That number was \$425 million two years ago. We'll do anything to keep it above 2010 numbers, which was \$262 million, so we had this \$5-7 million increase, but currently the House has it at \$225 million, which is horrendous. SO everyone is disappointed at that number, and all the coalitions, everyone is chiming in to try and get that number up. If Mike Barrett was on the line, we sat in at the Ag Research hearings for the appropriations maybe a month or two ago. Jack Kingston from Georgia, he is the chair of the Ag Appropriations committee now, from the House side. There's a lot going around about corporate welfare, and that the ag research budget was just supporting those numbers. I think, I've heard through the grapevine, that's one of the reasons Beachy retired, he was up against this huge budget crunch. He had a great vision, and I hope that continues to move forward, but losing Beachy was a huge blow to the ag research budget. All we can do is continue to ring the bell and send in letters of support for agriculture research funding, for NIFA, for AFRI. I haven't heard anything that would directly concern me in losing funding for the weed science AFRI program, the foundational grant program. That's programmed in, and that's the first RFA that comes out each year, so let's hope that we continue to

receive funding now that we have the weed science budget restored there. But nothing is sacred at this point, given the budget situation. I don't know if anyone else has heard other rumors of why Beachy resigned, but again, that was very unexpected and it caught a lot of people by surprise here in DC. So, I'm just reporting what I've heard. The current replacement, I forget her name, she's from Clemson, and she's been in the agency awhile, she understands the budget process. But I think it's a far stretch to have her in the same role as Beachy for what he did and the clout he had in the President's Science Administration, the Office of Science and Technology Policy. I'm going to keep my fingers crossed. If we hear of viable candidates that come up, we will certainly support them, but we are looking at a decrease in the AFRI budget. This is going to be a tough year ahead, we just have to keep our information going in, let them know that the support is there, and that's about the best we can do.

Donn – Have you heard anything, are they going to go for fewer, smaller grants, or are they going to keep the grants the same, and just fund a whole lot less?

Lee – I have not heard anything to that effect.

Donn – Well, they'll have to do one or the other if there's less money. The only reason I ask is if they're going to keep the size of the grants the same, inevitably the rejection rate will go up. I just think it's important that we know. They may decide to fund a higher number of grants with smaller amounts of money. I just think it would be worth figuring out which way they're going to go. I don't know how anyone else feels about it. The people that are exceptional at these grants, they have a track record and are good. The people that are just trying to get in, there's a lot of people who feel that it's not worth their time because the rejection rates are so high. So if they're going to keep the grants the same size, inevitably they'll have to have a higher rejection rate. If there's not as much money, to keep the grants the same size, there will have to be fewer grants, fewer proposals funded. Does anybody know what they think they're going to do?

John – I had read a concern similar to that where they thought that they were going to funded less, fewer grants, but I don't know how it's really going to come out.

Lee – moving to the Charitable Agriculture Research Act. This act has been proposed. The legislative language has been proposed by Representative Nunez from California, who comes from a very agricultural district in the central valley, and many of the agriculture research coalitions are getting behind this. The concern is that the charitable contributions – there's the medical research organizations that have been out there and have been really effective, but to make these tax exempt, their only concern is that this would somehow siphon money away from the agriculture research going on within the federal government. The government could say the Bill & Melinda Gates Foundation gave a billion dollars to this cause, which was tax deductible, so we don't need to fund agriculture research fully or as much as we have in the past. I think they understand these concerns. The fact is this has been so successful in the medical research area. I did send the one-pager along with the agenda here today, so we'll see. Overall, this could be another avenue. We have to try everything we can to get agriculture research money coming through. In the long run, we're probably going to support this. I think Nunez will introduce this, if not this week, then they week they come back after the Memorial Day

recess. When that happens, I think we'll be in good graces with many of the other scientific societies that will probably support this. I don't see, other than the downfall of saying well this agriculture research organization is putting this money toward agriculture research, I don't see a lot of downside to this, that we could have these different foundations not contributing tax deductible contributions to this type of structure. So for those of you that have had a chance to read this, do you have any comments or concerns? I still haven't done a lot of background myself on would there be a negative drawback from the weed science side of this. Overall I think that we could probably support this.

John – I couldn't see the downside in it, but I'm only looking at what you sent me.

Lee – again, this goes back to the comments made during the House agriculture appropriations hearing. I think this could be a really good program overall. I will keep you apprised of that, and we'll move forward as necessary. All right, Army Corps of Engineers, the Aquatic Plant Research Control program, this was brought up this year at the WSSA board meeting as one of our top three efforts. So far, we've had a decent response to this, but yet within the budget crunch situation, it's not nearly as effective as what we'd like to see. They've been working hard to see that we draw light to the benefits of what this group is doing with their research program. To date, we've send letters to the House and Senate chair and ranking members of the water committees. They've had meetings with the different staff of the committees. We still need to keep the pressure on Congress. The money is completely defensible from a spending standpoint, in terms of dollars received back, so we will continue to support this. On my end, we have sent a letter to the chair and ranking member of the Appropriations committee, but we need to go forth with language that the national weed science society and the regional weed science societies could support, so that they could write into individual members. Again, it's really people fighting for their individual programs for the right to exist, and if they don't hear from us, well, you're as good as dead. So, I need to put that on my schedule here. The language should say that this is the only federal authorized aquatic research program and we're going to lose a lot of expertise from that lab, from the aquatic plant control research program if this money is not there. My understanding is that they will start to mark this up the next week after Memorial Day. We do have a little time yet, but the sooner we get our comments in, the better off we will be.

Cody – I spoke with Kurt Getzenger last week, and that got brought up, and he still thinks that it's going to be a zero.

Lee – so even though we have some inside support from the Mississippi delegation, given the budget situation, we're up against a stone wall. We still have to really keep pushing for the support. It's going to be really hard for them to turn us down, especially as we move into the 2012 election cycle, if we keep that pressure on. I've heard different reports from different folks that this is really the only national aquatic research program, and how much we're losing. When we sent the last letter in, back in April, we were up against the whole 2011 budget cycle, and we got buried under a lot of rigamarole with the federal budget crisis. We need to continue to put pressure on these guys, and I need to follow up with Kurt on another letter that he had forwarded to me. But as long as we have the support of all the national and regional weed science societies, I think we will continue to make progress on this, and I'm

going to keep up the hope. They can't continue to say no to this. Any other comments or concerns there?

??? = So just to be clear, when you say zeroed out, you mean that this lab will receive zero funding?

Lee – correct. Ok, herbicide resistance. Jill, if you're still here, do you have any comments on the module review, and EPA, and where that's at?

Jill – I hope everyone on the line has had an opportunity to go to the WSSA website and look at the modules and provide comments. I believe that the comment period is open until June 15, and at that point we will be making final revisions, and try to have them available as soon as possible, I would imagine. At the same time, there is some additional review, I believe, and I don't know what the status of this is. Pieces have been sent to some of the grower organizations for comment, as well. Right now we're just waiting for all those reviews to come in, and then things will be finalized as soon as possible. I think the goal is to have them ready for next season, and to have them ready for posting on the WSSA website by next season. There's not a lot of discussion going on right now, because we're just waiting.

Donn – Where's the EPA on mode of action labeling?

Jill – They are still moving forward with another notice that is not mandatory language, but strengthening a previous notice that was sent out stating the site of action or mechanism of action labeling is needed and requested. But I believe it's, at this point in time, the discussion is that it's still going to be on a voluntary basis, although there is still discussions going on in the background about whether or not to make that mandatory. Along with that, the Herbicide Resistance Action committee has sent draft language to EPA that site of action labeling and corresponding language where usually on labels, they've got the symbol or the number, and then they've got corresponding language about the management, and consensus language has been sent to EPA. Consensus language has also been sent to EPA on general best management practices for herbicide resistance in weeds. The language was sent through to a number of us, and there were some comments, so they incorporated comments, and the draft language was based on that second APHIS report. So hopefully everything is consistent that's going forward in terms of that best management language. The last thing that's kind of interesting that's going on at EPA is that the three subject matter experts have been working on this list of terminology. EPA is faced with a lot of language that they get relative to resistance and resistance management, and in discussions with all of us, we've come to the understanding that this language tends to be a little unclear to EPA staff members. So, what each of the subject matter experts have done is work through. I sent this list of word to the herbicide resistant plants committee, extension committee, and the executive committee for WSSA, and got feedback on which terms are used in herbicide resistance, which terms are not used, and then draft definitions of the terms that are used. The other two societies did the same thing, and now we have this compiled list of terms that are confusing to EPA from each discipline's perspective. It's very interesting to look through that list and see which discipline uses what term, and how they use it. There's no consistency across the board. The goal with this exercise is to provide them the information so that when they're looking at things, they've got terminology to find relative to the pest organism that they're dealing with.

John – that's all very cool. For the Atrac language that they brought forward, for anybody who's ever worked with those guys, this is a change.

Jill – it is astounding that they were able to come to consensus.

John – it is. And as we get closer to the agency, are they going to revise the 95 PR notice on this, or are they going to issue a new one? Do you know?

Jill – I believe it's a revision. I have not seen anything, but from what I'm hearing, it sounds like it's a revision of that.

John – once they do this, I think that this would be an excellent topic for WSSA to put out a position paper in support of that. I think that resistance management, especially the symbolism and the language, is really an important part of the education part of this, and that we should support this directly through our membership.

Jill – That would be very supportive to what I've been telling EPA. In every conversation I have with them, I tell that WSSA is behind mandatory labeling for the numbering system that WSSA has for site of action. To see a white paper come in support of that would be very helpful.

John – I think that would be well-timed. And if we could get a guess on when that timing would be, perhaps we can collaborate with the agency and develop this.

Jill – I'm not sure they would be real receptive to that. I think if we've got something to say, they would like us to draft that independently.

John – That's a fine approach, too, but we should do this.

Jill – I think that to keep them in the loop that we're doing this would be beneficial, but I think it would make them uncomfortable to be seen as collaborating on such think.

John – Well there's out in the open collaboration, and then there's less out in the open collaboration. Are other people on this line comfortable with that, to the extent that Jill could talk openly about it at the agency?

Donn – I think it's a good idea.

Lee – I agree.

Jill – the rationale behind all of this is that all of the education materials that are being put together to show EPA and the other agencies that the public is being proactive in resistance management and education about resistance management revolves around that as an educational tool. And so if that's not in place, a lot of the other things that we are doing are going to fall apart.

John – exactly. Well, if it's ok with everybody else, I think you should feel free to tell the agency that that is in fact our plan.

??? – Jill, I have a question for you. Is there anything disturbing in the differences between the societies and their definitions regarding resistance?

Jill – there's huge differences. For instance, entomology. I don't have the terms in front of me, but they use the words tolerance and resistance. There's difference in the societies in how they use them. And entomologists are kind of out there on their own, and then there's a little more agreement between pathologists and weed science.

Donn – technically it makes sense. Insects are animals, and we kind of borrowed the term resistance from the mammalian system. I saw these lists that you guys are putting together, and I thought it was an incredibly interesting exercise. Vencill and I talked quite extensively about it, and at least to us, it made sense, the entomologists dealing with animals and the weed scientists dealing with plants would have some very distinct differences in how we would use or not use tolerance and resistance.

Jill – exactly. And they've got terms around behavior, behavioral resistance, and things like that, that aren't even in our comprehension when you're thinking about plants. And the pathology society said they're even simpler in their language and thinking around resistance. So I think this is very useful for EPA, to see these differences. And it's useful for all of us to be faced with these differences.

John – behavioral resistance is a family term in my house.

Donn – the list is quite interesting, for those that haven't seen it.

Jill – I think we're going to need to get some broader input on it before we're finished, but at this point, I've sent the combined list to ATRAC for comments, and back to some individuals in the Weed Science Society, as well. So, it's kind of slow going, but I think we need to keep chipping away at it, because it's a real important contribution for them.

Donn – I think everyone should know that this is a quite an extensive list. The people that worked on it had to put in a lot of time into it. I was very impressed, Jill.

Jill – I was, too, I was very impressed. Probably the last item, just to mention, is that they're still hanging out there whether there's going to be a tour this summer related to resistance and resistance management for EPA staff. A couple of issues that are being worked out primarily revolve around the fact that there is no funding to travel within the agency. They are working that angle to see if there is some commodity support for travel. I think another issue is going to be what all this weather is doing to everything, whether there will be anything to look at. So, that's still kind of hanging out there, but if it occurred it would be the middle part of August.

Donn – what about that big symposium that we were discussing? The National Academy Symposium, what happened with that?

Jill – Last time I was in DC, I went to a CropLife forum, and I talked about it a little bit with Barb Glenn. She brought it up in one of the conversations, and it sounds like the funding still has not been secured,



and my understanding is that until the funding is secured, nothing is going to happen in terms of planning.

Donn – Is David Shaw heading that effort up?

Jill – yes. That is the only thing I've heard recently, and I've not had an opportunity to contact David and find out anything more.

John – that's too bad. I wonder what the stall is?

Jill – money.

John – what a surprise.

Lee – what are they looking at, \$150,000 in funding, or something in that range? I think there's support out there, but again, we're dealing with federal resources that take a lot of time to respond. I'm pretty sure that the conference will happen eventually, but again, a lot of this will depend on the money side of it. That's the best I can update you with. Jill, thanks again for the update there, that was very helpful. Next on the agenda is the Endangered Species Act, and this is just a follow up to the joint hearing that we had in the House Agriculture and Natural Resource committees regarding the Endangered Species Act. The consultation we had between the EPA and the National Marine Fisheries Service and the Fish and Wildlife Service, I have a much broader understanding of what's going on there now. Under FIFRA, our EPA scientists have been doing a remarkable job highlighting endangered species and problems, and putting the science in the right perspectives. Frankly, the National Marine Fisheries Service and the Fish and Wildlife Service lacked resources, they lacked science, and there were fear components built into it. So there was this animosity between scientists, between several different agencies, that has prevented us from moving forward, really hindered us from providing more protection for endangered species through our weed science management toolbox. The grey science part, I only bring that up because it turns out that some of these agencies were relying on documentaries and case studies, but it wasn't peer reviewed science. And this was being used and becoming the official policy. I know we at the Weed Science Society use a lot of data from abstracts from the regional meetings and national meetings, and those aren't technically peer reviewed, so there's the grey science area there. So I bring this up because we need to be sure that we have the best available science out there to help support whatever policy issues we're up against. We have to be careful of what we submit, what all of a sudden becomes fact because it's in some press release. That apparently has happened more often than not, and some of the decisions about what type of habitat needs to be protected, and how many individual species are endangered has been based on this. I know that each of the regional societies use the abstract data, and that each of the abstracts presented are published. That is the grey science, and it is not a peer reviewed document such as is found in our trade journal. I put that in here because the hearing was very enlightening. There was a lot of animosity between the EPA scientists who, in my opinion, are doing this very well, have considered a lot of the different angles on this, the science behind it, in terms of different chemistries under FIFRA, and how that all affects it, compared to what resources the National Marine Fisheries Service and the Fish and Wildlife Service, what they have available. So it was quite enlightening, and I hope the weed science societies use their data, especially from the

conferences, the abstracts that are published, sparingly compared to the fully reviewed, peer reviewed Weed Science and Weed Technology articles, or the Journal of Invasive Plant Science and Management articles that are cited in the literature.

John – Funny, I was just writing NMFS this very second. They very much need our involvement to make sure they're doing the right thing and that they're reasonable.

Lee – It is frustrating at times. In one way, I feel bad that they don't have the dollars to do this, but the point is, they're already doing this under FIFRA at the EPA. They're making those assessments, doing the models, they're getting the data and the research from the manufacturers and from our land grant university sector. We're in the right place, but as we move forward, we have to continue to educate some of these agency people that just don't get it.

John – and the more that we can double check the assumptions, they're totally capable of risk assessment, but the more we can double check assumptions, the better off the risk assessments will be.

Lee – ok, IPM voice. IPM voice is a broader based coalition