

WASHINGTON REPORT

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Weed Science Societies Support \$380 Million Supplemental Appropriations Request for Ag Research, Education and Extension

The National and Regional Weed Science Societies joined over [270 other national, regional and state organizations](#) to urge Congress to provide \$380 million to our agricultural research, education, and extension system as it considers the next supplemental appropriations package in response to COVID-19.

The Association of Public and Land-Grant Universities (APLU) surveyed administrators of land-grant universities (LGU) and found that 90% of LGUs reported that over 40% of their research portfolio was affected due to COVID-19. In addition, 93% of LGUs need at least 4 months of USDA National Institute of Food and Agriculture (NIFA) support for research efforts to recover. Major costs associated with both the shutdown and the restarting of research projects account for the funding needs. These needs were not addressed in initial COVID-19 recovery packages.

The supplemental appropriations request includes \$300 million of job-saving support for USDA-NIFA capacity and competitive research and is consistent with the research community's broader recommendations across the science agencies. Dramatic disruptions to our research talent pipeline, including the facilities and equipment that support it, will require additional support. The request also supports an \$80 million request for the Cooperative Extension System to meet the direct needs of the public related to spread of, and recovery from, COVID-19.

EPA Office of Pesticide Programs Staff Changes



Rick Keigwin (top photo), EPA's Director of the Office of Pesticide Programs (OPP), will be moving up to the Office of Chemical Safety and Pollution Prevention (OCSPP) to serve as the Acting Deputy Assistant Administrator for Management starting June 22. The EPA's OCSPP oversees both OPP and the Office of Pollution Prevention and Toxics (OPPT). Rick has been with EPA since 1989 and brings a wealth of experience and expertise from his very successful tenure leading OPP, and from previous OPP positions such as the Deputy Office Director for Programs, Director of the Pesticide Re-evaluation Division, Director of the Biological and Economic Analysis Division, and various leadership roles in the Registration Division.



Ed Messina (bottom photo), will assume the role of Acting OPP Office Director starting June 22. Ed has been with the EPA since 2006 where he has served in several roles in EPA's Office of Enforcement and Compliance Assurance (OECA) before moving to OCSPP in 2018 to serve as Deputy Director of OPP.

USDA Updates Biotech Regulations

On May 18, USDA-APHIS published a final rule intended to modernize USDA's biotechnology regulations under the Plant Protection Act. The new rule marks the first comprehensive revision of USDA biotech regulations since they were established in 1986 under the "Coordinated Framework for Regulation of Biotechnology." The final rule amends the regulations regarding the movement (importation, interstate movement, and environmental release) of certain genetically engineered (GE) organisms in response to advances in genetic engineering and APHIS's understanding of the plant pest risk posed by GE organisms. APHIS states that the new rule provides "a clear, predictable, and efficient regulatory pathway for innovators, facilitating the development of genetically engineered organisms that are unlikely to pose plant pest risks."

The new rule, known as the "SECURE" rule (Sustainable, Ecological, Consistent, Uniform, Responsible, Efficient) differs from the previous regulatory framework by focusing on an organism's properties and not on the method used to produce it. APHIS states that this approach enables it to regulate organisms developed using genetic engineering for plant pest risk with greater precision than the previous approach. This method will reduce regulatory burden for developers of organisms that are unlikely to pose plant pest risks and will continue to provide oversight of organisms developed using genetic engineering that pose a plant pest risk.

The new regulatory process for organisms developed using genetic engineering consists of the following steps:

- Exemptions: Determine whether the plant meets the criteria for an exemption with the option for requesting confirmation of the plant's exempt status. This step will be implemented starting **August 16, 2020**.
- Regulatory status review (RSR): Request a RSR to determine if a plant developed using genetic engineering poses a plant pest risk. This step will be implemented for certain crops on April 5, 2021, and will be fully implemented on **October 1, 2021**.
- Permitting: Apply for a permit for a regulated organism that does not undergo or pass the RSR. An RSR request may also be submitted for most plants moved under permit. This step will be implemented on **April 5, 2021**.

The final rule is a welcome change for most biotechnology stakeholders. The Biotechnology Industry Organization (BIO) praised the final rule, welcoming the diminished barriers to innovation as sensible and efficient. However, the Center for Food Safety condemned the final rule, noting that under it, "the overwhelming majority of GE plant trials would not have to be reported to USDA, or have their risks analyzed before being allowed to go to market."

One issue the National and Regional Weed Science Societies asked APHIS to address in their proposed rule last year was the issue of asynchronous approval of a herbicide-tolerant crop by APHIS and the concomitant approval by EPA of the herbicide for use on that crop. An example of this occurred when APHIS approved dicamba-tolerant soybeans in 2015, but the concomitant herbicides were not registered by EPA until 2017. However, APHIS cannot legally delay approval of a biotech crop if it does not pose a plant pest risk, nor can EPA “speed up” a registration of a herbicide (especially if they don’t have the entire data submission package). Thus, the recommendation was for registrants to better time their applications so that the herbicide-tolerant crop and its corresponding herbicide are approved during the same crop year.

2020 WOTUS Rule Finalized

On April 21, the EPA and the Army Corp of Engineers published their final Navigable Waters Protection Rule that defines which waters are “waters of the United States” (WOTUS). The 2020 WOTUS rule represents the final version of the 2018 draft rule. The 2020 WOTUS rule will go into effect nationwide on June 22, 2020, but 17 states and various environmental groups have already filed suit seeking to challenge the rule.

The 2020 WOTUS rule seeks to provide certainty by explicitly describing those waters or features that it seeks to cover as well as those that are explicitly excluded. The following waters are explicitly covered by the 2020 WOTUS rule:

- Territorial seas and traditional navigable waters,
- Perennial and intermittent tributaries to those waters,
- Lakes, ponds, and impoundments that contribute surface flow to territorial seas and traditional navigable waters, and
- Wetlands adjacent to jurisdictional waters.

The 2020 WOTUS rule also explicitly excludes twelve categories of waters and features from the WOTUS definition, including the following:

- Groundwater, including groundwater drained through subsurface drainage systems,
- Ephemeral streams and features like swales, gullies, and pools that flow only in direct response to precipitation,
- Ditches, including agricultural ditches, that are not traditional navigable waters and are not constructed in adjacent wetlands and do not relocate a tributary of traditional navigable waters,
- Prior converted cropland, and
- Artificially irrigated areas that would revert to upland if artificial irrigation ceases.

When determining if a water body or feature meets one of the jurisdictional definitions or exclusions, federal agencies will consider the circumstances during a “typical year.” This definition will be important in determining the division between an ephemeral stream, which

only flows due to precipitation, and a perennial or intermittent stream, which flows seasonally or annually. The 2020 WOTUS rule defines a “typical year” to mean “when precipitation and other climatic variables are within the normal periodic range for the geographic area ... based on a rolling thirty-year period.”

Lastly, the explicit exclusion of groundwater is a noteworthy feature of the 2020 WOTUS rule. Just two days after the 2020 WOTUS rule was published, the U.S. Supreme Court ruled in *County of Maui v. Hawaii Wildlife Fund* that discharges into groundwater may fall under the jurisdiction of the Clean Water Act (CWA) to the extent that they represent the “functional equivalent” of a discharge directly into navigable waters. That is to say, according to the Supreme Court, in at least some cases, groundwater will fall under the jurisdiction of the CWA, whereas the 2020 WOTUS rule states that groundwater is completely excluded from CWA jurisdiction. This direct contradiction will need to be further addressed by the EPA and Army Corp of Engineers.

Harmful Algal Blooms Webinar Targets Capitol Hill and Federal Agency Staff

On June 8, Dr. Ken Wagner, Director of Water Resource Services, presented a webinar titled “Slowing the Spread of Harmful Algal Blooms.” Dr. Wagner has a distinguished career of service in water supply protection and lake management including leadership roles with the North American Lake Management Society (NALMS). His presentation summarized the science behind available management techniques – science that has been in large part driven by federal research funding. However, increasing HAB outbreaks in the United States, and globally, highlight the urgent need for continued federal research support and national-level coordination to address both short-term risks and long-term solutions for HABs.

The webinar was part of the [National Coalition for Food and Agricultural Research’s \(NCFAR\) Lunch~N~Learn Capitol Hill Seminar Series](#) that serves as a forum and a unified voice in support of sustaining and increasing public investment at the national level in food and agricultural research, extension and education. WSSA is a sponsor of the seminar series. I’d also like to thank Dr. Mark Heilman, APMS President, for his leadership in helping organize and coordinate the event as well as serving as the moderator. The webinar was well received and had 200 registrants. [Click here for the recorded webinar.](#)

Richardson Presents Webinar on Successful Aquatic Plant Management Strategies During National Invasive Species Awareness Week

“Slow the spread” is an unexpected catchphrase from this spring due to the global coronavirus pandemic and was the theme of [National Invasive Species Awareness Week \(NISAW\)](#) that occurred May 16 – 23, 2020. Dr. Rob Richardson, APMS Past President and chair of WSSA’s Noxious and Invasive Weeds Committee, presented the May 21 webinar titled “Successful Aquatic Plant Management Strategies Across the United States.” The webinar was well attended with over 200 registered for the event. Richardson noted that it’s critical we use integrated approaches with a combination of biological controls, cultural practices, herbicides, mechanical tools, nutrient management and prevention efforts to help stop the spread of invasive aquatic weeds. [Click here for the recorded webinar.](#)

10 Ways to Take Action and “Slow the Spread” of Noxious and Invasive Weeds

1. Learn about invasive weeds, especially those found in your region. Your county extension office and the National Invasive Species Information Center are both trusted resources.
2. Clean your hiking boots, waders, boats and trailers, off-road vehicles and other gear to stop invasive weeds from hitching a ride to a new location. Learn more at www.playcleango.org.
3. Avoid dumping aquariums or live bait into waterways. Learn more at www.habitattitude.net.
4. Clean your fishing equipment and don’t dump live bait. Learn more at <http://stopaquatic hitchhikers.org>.
5. Don’t move firewood over long distances. Instead, buy it where you’ll burn it, or gather on site when permitted. Learn more at www.dontmovefirewood.org.
6. Buy forage, hay, mulch and soil that are certified “weed free.” Learn more at www.naisma.org/programs/weed-free-standards.
7. Report new or expanding invasive weed infestations to authorities at www.invasive.org/report.cfm.
8. Ask your local, state and national political representatives to support invasive and noxious weed management efforts.
9. Plant only non-invasive plants in your garden and remove any known invaders.
10. Share your NISAW activities with friends and followers via text message and social media. Don’t forget to use the hashtags #NISAW and #InvasiveSpecies!

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