

WASHINGTON REPORT

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Lee Van Wychen

Government Funded through March 2013

Before going home for the elections this fall, the House and Senate passed a continuing resolution to keep the government running through March 27, 2013. The continuing resolution grants a small 0.6 percent increase to almost all FY 2012 appropriations, bringing funding up to the \$1.047 trillion spending level agreed to in last year's debt-ceiling agreement. Overall, the fiscal outlook looks dismal, maybe murky at best. Congress still has to deal with the 8.2 percent sequestration cuts that would kick in on Jan. 3, 2013. The current thinking is that the lame duck Congress would rescind those cuts and come to an agreement on some sort of long term fiscal restraint. The 8.2 percent sequestration cuts are a one time deal and many policy wonks feel like they would be devastating to an already slow economic recovery. For example, the USDA-NIFA budget would be cut by almost \$100 million. Things will be complicated even further by what happens with the Farm Bill.

Differences Between House and Senate Farm Bill Weed Science Issues

The Senate approved its version of the 2012 omnibus farm bill (S. 3240, the Agriculture Reform, Food, and Jobs Act of 2012) by a vote of 64-35 on June 21, 2012. Following that, the House Agriculture Committee conducted markup of its own version of the farm bill (H.R. 6083, the Federal Agriculture Reform and Risk Management Act of 2012) on July 11, 2012, and approved the amended bill by a vote of 35-11. Floor action on the House farm bill is still pending, despite a ton of pressure from stakeholders in September. Apparently the House did not have the votes to pass it as some lawmakers said it cut too much and some said it didn't cut enough. There is speculation that the House will bring it to the floor during the lame duck session, but even if they passed their version there will be significant differences in policies that will need to be worked out in a conference agreement. Below are weed science related policy provisions that differ between the House and Senate versions of the bill.

1. Foundation for Food and Agricultural Research (FFAR).

- a. There is no current law.
- b. In the Senate Farm Bill, they propose FFAR, a new nonprofit corporation designed to supplement USDA's basic and applied research activities. The Senate provides total mandatory funding of up to \$100 million from the Commodity Credit Corporation (CCC). Federal funding is available only to the extent that the foundation secures an equal amount of non-federal matching funds for each dollar of expenditure. The foundation will solicit and accept private donations to award grants or enter into agreements for collaborative public/private partnerships with scientists at USDA and in academia, non-profits, and the private sector.
- c. The House did not include FFAR in their version.

- d. The National and Regional Weed Science Societies support the inclusion of FFAR in the Farm Bill.

2. Matching funds requirement for applied research and extension that is commodity or state specific.

- a. There is no current law
- b. The Senate did not have any language regarding matching funds
- c. The House has proposed that the recipient of a USDA competitive grant under a covered law that involves applied research or extension and is commodity-specific or state-specific must provide matching funds or in-kind contributions of equal value to the grant.
- d. WSSA strongly opposes this provision in the House Bill.

3. Petitions to Determine an Organism not a Plant Pest.

- a. The Plant Protection Act (PPA) governs USDA-APHIS regulation of the introduction and movement of all plant pests, noxious weeds, and plant products capable of harboring plant pests involved in interstate or foreign commerce. The statute governs all “regulated articles” meaning any material or tangible object that could harbor plant pests or noxious weeds. The statute also regulates the introduction into the environment and transportation of any bioengineered plant organism.
- b. The Senate Farm Bill does not make any changes.
- c. The House Farm Bill would amend the PPA to permit any person to petition USDA for a determination that an organism subject to regulation as a plant pest is not a plant pest for purposes of the PPA. USDA would be required to conduct a “plant pest risk assessment” to determine the likelihood that such an organism is a plant pest. USDA would also conduct an “environmental analysis” that would be the sole analysis regarding the effects on the environment of an organism that is the subject of a petition. On the basis of these analyses, USDA would issue a determination within one year that an organism is or is not a plant pest. Should USDA fail to meet the time period for determination, the plant organism shall be deemed not to be a plant pest under the PPA.
- d. WSSA is evaluating the proposed change. APHIS did not propose the change, nor have they have they taken a position on it. In general, this will have no little or no impact on noxious weeds since the lawyers have determined that a noxious weed is not a plant pest, except parasitic weed species such as witchweed (*Striga*).

4. Pesticide Registration Improvement Act (PRIA III)

- a. PRIA II is set to expire in 2012. The original PRIA modified the framework for collecting fees to enhance and accelerate EPA’s pesticide registration activities; it included reauthorization of maintenance fees primarily to support activities related to existing registrations, and established registration service fees to be submitted with applications for new registrations.

- b. The Senate did not include PRIA III in their farm bill language.
- c. The House reauthorizes PRIA through 2017 and modifies fee collection provisions. It reauthorizes and increases annual aggregate limits for maintenance fees from \$22.0 million to \$27.8 million for FY2013-FY2017 and raises the annual maximum fee for registrants with not more than 50 registrations from \$71,000 to \$115,500, and those with over 50 from \$123,000 to \$184,800; for small business (as defined) with not more than 50 registrations from \$50,000 to \$70,600, and those with more than 50 from \$86,000 to \$122,100.
- d. The WSSA supports reauthorization of PRIA through 2017.
- e. UPDATE: the House and Senate passed PRIA III as a separate stand alone bill (S. 3552) under unanimous consent agreements on Sept. 14 and sent it to the President where it awaits his signature.

5. NPDES Fix Bill (H.R. 872)

- a. In October 2011, EPA issued a Pesticide General Permit (PGP) requiring a Clean Water Act (CWA) discharge permit for certain pesticide applications in or near waters of the U.S. EPA and states are implementing this permit requirement.
- b. The Senate did not include this language in their bill, despite bi-partisan support in both chambers.
- c. The House included language that would amend FIFRA and the CWA to provide that neither EPA nor a state may require a CWA permit for discharge of a pesticide whose use has been authorized pursuant to FIFRA. Defines specified circumstances where a permit would be required (e.g., municipal or industrial treatment works effluent that contains pesticide or pesticide residue). Effective October 1, 2012.
- d. The National and Regional Weed Science Societies are on record many times supporting an NPDES fix bill.

6. The Specialty Crops Competitiveness Act

- a. Authorized block grants to states to support projects in marketing, research, pest management, and food safety, among other purposes. Current mandatory CCC funding is \$55 million annually (FY2010-FY2012).
- b. The Senate reauthorizes the program through FY2017. Increases mandatory funding to \$70 million annually (FY2013 - FY2017), which would also raise the minimum grant amount received by each state/territory. Of the funds provided, allows for multistate project grants involving food safety, plant pests and disease, crop-specific projects addressing common issues, and any other area as determined by USDA, with increased funding starting at \$1 million (FY2013) to \$5 million (FY2017).
- c. The House version is nearly identical to the Senate bill, except that the House also allows multistate projects for research.
- d. The WSSA supports the House version.

7. Conservation Compliance

- a. In exchange for certain USDA program benefits, a producer agrees to maintain a minimum level of conservation on highly erodible land. Highly erodible land can be considered eligible for program benefits if the land user agrees to cultivate the land using an approved conservation plan or qualifies for an exemption. Benefits include commodity support programs, conservation programs, disaster payments, and operating loans
- b. The Senate adds the federally funded portion of crop insurance premiums to the list of program benefits that could be lost if a producer is found to produce an agricultural commodity on highly erodible land without an approved conservation plan or qualifying exemption. Producers affected by this change have until January 1 of the fifth year after the date on which payments become subject to compliance to comply with an approved conservation plan.
- c. The House has no comparable provision.
- d. The WSSA supports conservation compliance, but only if NRCS grants temporary variances for weed and invasive plant management, including the use of tillage to control herbicide resistant weeds.

Supporters of Agriculture Research (SOAR) Launched

Supporters of Agricultural Research (SOAR) is a new non-partisan science-based coalition seeking sound research policies that focus more of our best minds on feeding America and the world. See: www.supportagresearch.org. SOAR was launched with an interactive webcast on July 25 by its four board members, Roger Beachy, William Danforth, Carol Tucker-Foreman, and Don Kennedy. SOAR is working with major research institutions, farmer groups, scientific organizations, and private sector partners who believe a strong competitive grants program will encourage top scientists from multiple disciplines—from botany and biology to energy and engineering—to address the many agriculture-related challenges facing our country today. SOAR believes the time is right to greatly increase funding for competitive grants in the exciting and rapidly expanding world of agricultural research. SOAR is calling on Congress to fully fund the Agriculture and Food Research Initiative (AFRI) at USDA. AFRI is authorized to receive \$700 million per year. But for 2012 it received only \$264 million, even as the cost for projects submitted for funding topped \$4 billion.

New USDA Report on Complimentary Roles of Public and Private Sector Ag R&D

This brief examines the funding and performance of agricultural R&D to assess the evolving roles of the public and private sectors in the U.S. agricultural research system. There is a clear long-term trend toward greater private-sector funding and performance of R&D. In 2007, the private sector performed 53 percent of total food and agricultural research in the United States, and privately funded R&D has grown faster than publicly funded R&D over the long term.

Details: <http://www.ers.usda.gov/media/913804/eb19.pdf>

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