



## September 2019

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### **HAPPENINGS ON THE HILL** by Glenn Luedke

#### **HAPPENINGS ON THE HILL**

The House/Senate returned to Capitol Hill September 4 after completing their annual five week Summer recess.

#### **EPA**

EPA and the Department of the Army announced the agencies are repealing the 2015 rule that expanded the definition of "Waters of the United States" under the Clean Water Act. The final rule repeals the 2015 Rule and restores the previous regulations exactly how they existed prior to the finalization of the 2015 Rule. The ruling is the first step in a two-step rule making process to define the scope of "waters of the United States" that are regulated under the CWA. Step 1 provides regulatory certainty. Step 2 clearly defines where federal jurisdiction begins and ends in accordance with the CWA and Supreme Court precedent. In the ruling, EPA and the Department of the Army provide a clear definition of the difference between federally regulated waterways and those waters that remain solely under state authority.

Beekeepers are suing the EPA over the decision to allow expanded use of sulfoxaflor. EPA maintains sulfoxaflor poses a lower risk to bees and other wildlife than other widely used alternative pesticides.

#### **ENDANGERED SPECIES**

The Interior Department has announced changes to the Endangered Species Act. The changes are designed to increase transparency and effectiveness of the 45-year-old ESA. The Interior Secretary stated the best way to uphold the ESA is to do everything possible to ensure it remains effective in achieving its ultimate goal which is recovery of our rarest species. The Secretary further stated the ESA's effectiveness rests on clear,

consistent and efficient implementation. The revisions fit within the Administration's mandate of easing the regulatory burdens without sacrificing species protection and recovery goals. Key changes deal with adding/deleting species from the Act's protections and designating critical habitats and a request for more consultation among effected federal agencies. The ESA directs that determinations to add or remove a species from the list be based solely on the best available scientific and commercial information and these will remain the only criteria on which listing determinations will be based.

### **FISCAL YEAR BUDGET**

The new fiscal year budget commences October 1. The House has already passed a full Agriculture/FDA spending bill. However, the Senate appropriations committee has yet to produce their version of the F/Y 2020 budget. It is expected a continuing resolution bill will be passed by mid-September that would extend USDA, FDA and other agency funding until late November or early December.

### **USDA**

Industrial hemp production was authorized under the 2018 Farm Bill and it is expected the USDA will soon announce regulations for industrial hemp production. Guidelines for importing hemp seed and transporting the plant across state lines have already been issued by the USDA. Farmers considering growing industrial hemp are encouraged to visit hemp growers who were part of a sampling of regional pre-selected growers in several states. EPA reports they have received 10 pesticide applications for use on hemp. The 30-day public comment period is open and once comments are received; EPA anticipates final decisions before the end of 2019. Hemp is classified as an agricultural commodity and the USDA Agricultural Marketing Service is developing a program to implement the Hemp Farm Act (states and tribes will act as the primary regulators of hemp to comply with federal standards for testing, inspecting farms and monitoring production).

Proposed rules developed by USDA in June regarding streamlining the regulation of biotech crops will slow the process according to crop developers. Under the proposed rules, bio-engineered plants would be exempted from regulation by USDA if the modifications could be produced through traditional breeding techniques making them unlikely to pose a greater plant pest risk than conventionally bred crops. Crop developers would have options under the proposed rules to decide on their own whether their modifications are exempt from regulations; companies could seek exemption confirmation

from USDA; get a ruling from USDA to determine if the trait is regulated or not. Grain/oil seed processors say the rules are flawed and inconsistent with USDA's obligation to protect the value of U.S. agricultural and food exports. Other groups want to slow the implementation until FDA and EPA issue rules/guidance how they will oversee gene-edited crops.

## **LABOR**

A new bill regarding Ag Guest Worker rules is being introduced in the Congress. The Bill focuses exclusively on ensuring a steady work force for agricultural producers and shies away from immigration. The Bill does not replace the H-2A program but complements it. Under the proposed program, workers would be given background checks and pre-approval before entering the country. Once a job is available, the worker would be placed and be allowed in the U.S. for a period of five years at a time, with the option to renew after 4- and one-half years. Individuals already in the country illegally would have an opportunity to become approved and if approved, enter the program. Any worker involved in the program can only work in the U.S. agriculture industry. Bi-partisan support in the House/Senate is expected.

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It is shopping season! So, when you are doing your fall shopping, your back to school shopping, your Christmas shopping and even your everyday shopping, please consider using [Smile.Amazon.com](https://www.smile.amazon.com) as a simple and easy way to **support the Foundation for Environmental Agriculture Education**. Set up an Amazon account or log into your existing one, choose Foundation for Environmental Agriculture Education from the charity list and shop!

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## **2020 MEMBERSHIP DUES RENEWAL**

Membership renewal notices were emailed out earlier this week. We are sorry for the clerical error of your name not being included at the beginning of the email. We will do

better next time. Please renew by November 15<sup>th</sup> to ensure your listing in the 2020 membership directory.

**NEW THIS YEAR:** In order to register for the 2020 Annual Meeting as a member, you will need to have renewed your 2020 membership. [Click HERE](#) to renew now!

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### **2020 NAICC ANNUAL MEETING AND AG PRO EXPO**

Registration opens October 1 for the 2020 Annual Meeting and AG PRO EXPO and for your hotel reservation. The preliminary program will be available along with information on the pre-meeting workshops.

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### **AND THE AWARD GOES TO...**

Nominate your co-worker or your peer or yourself for the **Consultant of the Year** Award. Information and applications are available on the NAICC website and by clicking on [CONSULTANT OF THE YEAR](#). Our intent is to single out and express our appreciation for the hard work and dedication of top consultants.

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Encourage your college student or summer intern to apply for a **Richard L. Jensen, Ph.D. Memorial Scholarships**. Applications and information is available on the NAICC and FEAE websites and by clicking on [JENSEN SCHOLARSHIPS](#). Share the application with your summer employees or college students who are working toward an Agriculture degree.

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If you have someone in mind for the **SERVICE TO AGRICULTURE** or **SERVICE TO NAICC** award, please contact [AllisonJones@naicc.org](mailto:AllisonJones@naicc.org) with your nomination.

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The **NAICC LEADERSHIP PROGRAM** is currently accepting applications for the 2020 leadership class. Information and applications are available on the NAICC website and by clicking on [LEADERSHIP PROGRAM](#).

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## Have a *Hot!* Topic?

If you have any hot topics that you would like to appear in the newsletter or a News Short, please email to Lisa at [lwheelock@greatlakesag.com](mailto:lwheelock@greatlakesag.com). What is important to one NAICC member is important to the organization!

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## NAICC

**Your professional society representing the nation's crop production,  
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