



August 2019

HAPPENINGS ON THE HILL by Glenn Luedke

HOUSE/SENATE

The House and Senate are on their annual Summer five-week recess.

Before leaving for the recess, both the House and Senate passed a revised Farm Bankruptcy Bill. The bill would see an increase in the cap in the limit of Chapter 12 bankruptcies. The action would increase the cap to \$10 million. Under current law, a farmer/rancher's total debt must be less than \$4.15 million to qualify. Supporters of the bill stated the threshold should be raised to align with increasing land values and the increase in acreage of farms/ranches. The bill was co-sponsored by members of both political parties and the agricultural committee chair of each party. Farm organizations supported the House/Senate actions.

USDA

The USDA has proposed a new rule regarding the Movement of Certain Genetically Engineered Organisms. Farm organizations expressed their support and stated the action would enhance the sustainability, productivity and competitiveness of U.S. agriculture. USDA's intention is to focus on the plant pest risk of each product instead of the method used to create it. The proposal is designed to only review plant-trait mechanisms of action (MOA) requiring oversight one time, instead of each time the MOA is used in combination with other traits (current requirement). The proposal illustrates a path moving forward for the advancement of plant breeding innovations and ensures a responsibility in providing oversight. Comments submitted by the public encouraged coordination with the EPA and FDA and strive to continue streamlining the process and to avoid unnecessary duplication.

Rules and regulations regarding organics have been enhanced after the USDA reported a substantial increase in fraudulent labeling of crops in some foreign countries. A strong demand for organic livestock feed has added to the increased activity in mislabeling fraud. While adding

scrutiny to imported grain, the USDA wants to ensure that US produced "organics" are meeting the highest standards.

EPA

On Friday, Aug. 9, EPA issued guidance to registrants of glyphosate to ensure clarity on labeling of the chemical on their products. EPA will no longer approve product labels claiming glyphosate is known to cause cancer – a false claim that does not meet the labeling requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The State of California's much criticized Proposition 65 has led to misleading labeling requirements for products, like glyphosate, because it misinforms the public about the risks they are facing. This action will ensure consumers have the correct information and is based on EPA's comprehensive evaluation of glyphosate.

The Pesticide Policy Coalition (PPC) responded to the proposed "Pesticides; Draft Revised Method for National Level Endangered Species Risk Assessment Process for Biological Evaluations of Pesticides".

PPC offered the following:

- EPA should use national and state level data from the past five years to identify geographic areas that do not actually receive pesticide applications in spite of being identified as potential use sites.
- EPA should consider utilization of county level data where available to further refine its usage data set.
- EPA may need to examine risk to endangered species from non-agricultural pesticide use and it should consider other sources of data and information and engage stakeholders to inform understanding of non-agricultural pesticide usage practices and where usage is likely to occur.
- EPA proposes to use the Percent Crop Treated (PCT) concept to incorporate usage data in its risk assessment process. PPC cautions that EPA's proposed PCT approach has the potential to grossly overestimate exposure risk to species because it assumes all usage in a potential use site occurs within a species range before extending anywhere outside the range. PPC recommends which methods it will use to determine applications, clarify whether it will calculate PCT using actual usage rather than using label rates and consider using more realistic approaches to determine acreage treated within a species range.
- PPC is concerned that assumptions relied on by EPA in modeling pesticide drift do not reflect reality in the field.
- Use of Probabilistic Methods: PPC believes overly conservative risk estimates that presume anything and everything is at risk do not allow for sound decision-making and selection of appropriate risk mitigation tools (buffer zones, etc.). PPC recommends that EPA include sensitivity analysis in its Probabilistic Risk Assessments approaches to identify the most substantial sources of uncertainty.

- Weight of Evidence Approach (WOE): PPC is encouraged by EPA's WOE approach but considers it short on details in regards to how EPA will weigh and consider each line of evidence in its WOE approach.
- PPC encourages EPA to include clear explanations of sources, directional implications, and magnitude of uncertainty in its Biological Evaluations and make clear that any risk assessment will include some amount of uncertainty and that uncertainty does not equate to risk.

EPA is considering labeling biostimulants as pesticides requiring similar regulatory oversight. EPA suggested that fertilizers and other inputs approved for organic agriculture be classified as pesticides and therefore be subject to EPA/FIFRA regulations. EPA guidance specifically identifies naturally-occurring ingredients as "plant regulators" and therefore subject to EPA/FIFRA regulations. Many organic growers consider this action as inappropriate because the use of these generic raw materials as a fertilizer ingredient is quite extensive and should not trigger any oversight under FIFRA simply because of their presence in a product or formulations.

NAICC LEADERSHIP PROGRAM information and applications are available on the NAICC website and by clicking on [LEADERSHIP PROGRAM](#). The purpose of the NAICC Leadership Program is to help ensure agricultural sustainability by facilitating the growth of new leaders within NAICC and the crop consulting, research consulting and quality assurance professions. NAICCLP consists of four modules designed to broaden the participant's knowledge of NAICC and develop their leadership abilities.

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

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.

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. What is important to one NAICC member is important to the organization!

How is your summer going? Let us know on [Facebook](#) or [Twitter](#) with [#NAICC19Summer](#)

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National Alliance of Independent Crop Consultants; 100 Pineberry Drive, Vonore, TN 37885
Phone: 901-861-0511; Email: MemberServices@naicc.org

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