

Executive Director of Science Policy (EDSP) Report
Lee Van Wychen
WSWS & WAPMS Joint Annual Meeting
Boise ID. Feb. 27 - Mar. 2, 2023

Science Policy Fellows

- The 2022-2023 Science Policy Fellows (SPFs) were **Taylor Randell-Singleton** at the University of Georgia (advisor: Stanley Culpepper) and **Navdeep Godara** at Virginia Tech (advisor: Shawn Askew). After 2+ years of virtual meetings with the previous SPFs, both Taylor and Navdeep were able to travel to Washington DC during the week of November 14th for meetings and networking that coincided with the weed science, society presidents' Congressional visits. Taylor will be finishing her Ph.D. this spring, while Navdeep is in the first year of his Ph.D. program.
- SPF applications are being accepted. **Application deadline is April 3, 2023.**
- Fellow must be a WSSA member. Will receive two stipends for a total of \$5,000.

2022 Weed Science Congressional Visits Recap

I organized and conducted 28 Congressional meetings on weed science issues with the Weed Science Society Presidents and Science Policy Fellows. This included Stanley Culpepper (WSSA), David Simpson (NCWSS), Jacob Barney (NEWSS), Darrin Dodds (SWSS) and Joel Felix (WSWS) as well as Taylor Randell and Navdeep Godara. Half the meetings were conducted via Zoom in April and the other half were in person on Capitol Hill in November. The three main issues we focused on were:

- Supporting USDA NIFA **IR-4 Project funding** at \$15 million in FY 2023. There is a phenomenal need for specialty crop protection products to help feed the world. The IR-4 Project provides an incredible return on investment as it contributes \$9.9 billion to the annual U.S. GDP and supports more than 123,260 jobs. **(Congress did support IR-4 at \$15 million for FY 2023 in their final Omnibus appropriations bill).**
- Supporting the USDA NIFA **Crop Protection and Pest Management (CPPM)** program at \$22 million in FY 2023. This highly effective applied grant program tackles real world weed, insect, and disease problems with applied solutions through the concepts of integrated pest management (IPM), while supporting the Regional IPM Centers and extension IPM funding. **(Congress did provide \$21 million to CPPM in their final Omnibus appropriations bill, CPPM's first increase since FY 2017).**
- Amend the Plant Protection Act in the 2023 Farm Bill so that the **definition of a "Plant Pest" includes "noxious weeds", not just "parasitic plants"** (7 USC 104, S.7702 (14)). USDA-APHIS Plant Protection and Quarantine (PPQ) only spends a small percentage of their nearly \$400 million plant protection budget on noxious weeds. One reason is because the definition of "plant pest" only legally includes "parasitic plants". There are 111 Federal Noxious weeds, plus hundreds more prohibited and invasive weeds on state lists. However, there are only five genera of parasitic plants on the Federal Noxious weed list.

Other issues that were discussed included:

- Support for the Senate appropriations report language on **cogongrass** that directs \$3 million to APHIS to partner with State departments of agriculture and forestry commissions to assist with cogongrass control.
- Supporting appropriations for the \$50 million per year for the federal Dept. of Transportation (**DOT**) “**Invasive Plant Elimination Program (IPEP)**”. The 2021 Infrastructure Investment and Jobs Act (Public Law No: 117-58) created IPEP for managing weeds along rights-of-way and transportation corridors. IPEP is authorized at \$50 million per year from FY 2022 to FY 2026 through the DOT, but has not been appropriated any funding in the first two years. After some discussions and meetings with DOT appropriations committee staff, we learned that WSSA was one of the first, and only groups asking Congress to support IPEP. In addition, we’ve heard that some state DOT’s have not been as supportive of IPEP because the grant program would require them to do extra work. Finally, since IPEP is a “brand new” program, a \$50 million per year start might be too big for Congress to get behind. Thus, we are considering an ask of \$5 million for FY 2024 to get a pilot program started at DOT. Please feel free to contact me with your thoughts or ideas on how to get IPEP started.

2022 APMS Congressional Visits Recap

I organized and conducted 11 Congressional meetings on aquatic plant management issues with House and Senate staffers in member’s offices as well as on relevant authorizing and appropriations committees. Many thanks to APMS leadership for participating in these virtual meetings including Mark Heilman, Rob Richardson, Ryan Wersal, Ryan Thum, Jay Ferrell and Carlton Layne.

Our main issues included: 1) seeking the full \$25 million appropriation for the Army Corps Aquatic Plant Control Research Program (APCRP); 2) discussing the potential impacts of the new strain of hydrilla in the Connecticut River basin and requesting \$6 million for the Army Corps to address it; and 3) supporting authorization and funding of invasive species provisions in the 2020 and 2022 Water Resources Development Acts (WRDA).

We’ve made excellent progress on these issues including initial funding for the Army Corps **Harmful Algal Bloom (HAB)** demonstration program, \$1 million increases for the Aquatic Plant Control Research Program, and a **new funding line of \$6 million for FY 2023 “for hydrilla control, research, and demonstration work in the Connecticut River basin”** by the Army Corps.

FY 2023 Omnibus Appropriations

The House and Senate finally passed an Omnibus Appropriations bill for FY 2023 just before they left town for Christmas. President Biden signed it into law on Dec. 29, 2022.

The six National and Regional Weed Science Societies joined other scientific societies in [a letter to Congressional leaders](#) supporting funding for the USDA AFRI Competitive Grants Program at its authorized level of \$700 million in FY 2023.

Likewise, through the Friends of ARS Coalition, the six National and Regional Weed Science Societies joined other stakeholder organizations in [a letter to House and Senate Appropriators](#) urging them to provide at least \$1.9 billion for salaries and expenses at USDA-ARS in FY 2023.

The table below includes the final Omnibus Appropriations for FY 2023, as well as the final appropriations for FY 2021 and FY 2022 for various Federal programs important to weed and invasive plant research. The far-right column is the percentage increase compared to FY 2022.

	Final	Final	Final	Percent
Federal Agency Program	FY 2021	FY 2022	FY 2023	Increase
	-----\$ millions-----			vs 2022
USDA-ARS	\$1,492	\$1,633	\$1,744	6.8%
USDA-NIFA	\$1,570	\$1,637	\$1,701	3.9%
-AFRI Competitive Grants	\$435	\$445	\$455	2.2%
-Hatch Act (Exp. stations)	\$259	\$260	\$265	1.9%
-Smith Lever (Extension)	\$315	\$320	\$325	1.6%
-IR-4 Program	\$11.9	\$14.5	\$15	3.4%
-Crop Protection and Pest Management	\$20	\$20	\$21	5.0%
-SARE: Sustainable Ag Research & Educ.	\$40	\$45	\$50	11.1%
Army Corps- Aquatic Plant Control Research	\$7	\$8	\$8	0%
-CT River hydrilla control and research	-	-	\$6	∞%
EPA - Great Lakes Restoration Initiative	\$330	\$348	\$368	5.7%

Other noteworthy parts of the FY 2023 Omnibus Appropriations bill:

- A \$9.9 billion, or **12 percent increase**, for the **National Science Foundation (NSF)**. This is largest dollar increase for NSF of all time and the largest percentage increase for NSF in more than two decades. NSF’s funding level will support approximately 2,300 additional research and education grants and 35,000 more scientists, technicians, teachers, and students, compared to fiscal year 2022.
- The EPA’s **Office of Pesticide Programs (OPP)** was funded at **\$140 million** for FY 2023. While this is not as high as we had asked for (\$163 million), this is still the highest funding for EPA OPP since 2010 and an **8.6 percent increase** over FY 2022.
- The **5th Pesticide Registration Improvement Act (PRIA 5)** was included as part of the FY 2023 Omnibus bill. The National and Regional Weed Science Societies joined many other organizations in a [letter to House and Senate Ag Committee leaders urging them](#) to complete the reauthorization of PRIA 5 before it expired in 2023. First established in 2004, PRIA put in place pesticide registration service fees paid by registrants in exchange for specific time periods for EPA to make a regulatory decision on pesticide registrations and tolerance actions. The goal of PRIA is to create a more predictable and effective evaluation

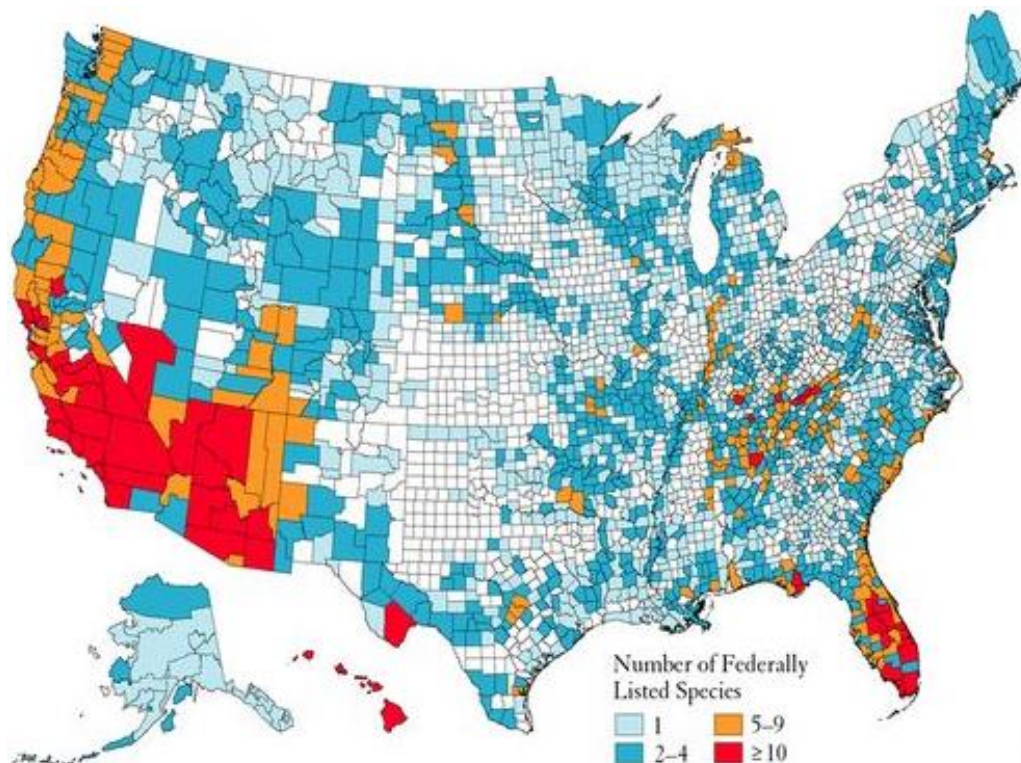
system that promotes shorter decision review periods for reduced-risk pesticides. Link to: [PRIA overview and history](#).

- Through USDA-ARS, there is appropriations report language supporting a regionally focused **Herbicide Resistance Initiative for the Pacific Northwest**. In FY 2022, \$2 million was allocated to “support research to address weed management strongly affecting the long-term economic sustainability of food systems in collaboration with USDA-ARS, research institutions, and stakeholder support”. Another \$1 million was added for FY 2023, which will support several new weed science positions through USDA-ARS.

FIFRA and Endangered Species Act Compliance

The new WSSA Endangered Species Act (ESA) Committee, chaired by Bill Chism, organized and conducted a very successful, well-attended workshop at the WSSA annual meeting on January 31, 2023 to determine how weed scientists can provide useful science-based information to regulators for ESA compliance to FIFRA approved herbicides. There are approximately 1,700 endangered species of which approximately 900 are plants, plus another 700 critical habitats. It is anticipated that glyphosate and other herbicides will impact almost all of those.

Endangered Species by County. Source: Precious Heritage: The Status of Biodiversity in the United States.



On November 16, the EPA released an [Updated ESA Workplan](#) that provides more details about how EPA plans to impose various mitigation measures that will be required on pesticide labels

to meet its ESA obligations when registering a pesticide. There are concerns about some of the mitigation options such as “buffers to reduce pesticide drift and water runoff” or “do not use when rain is expected in the next 48 hours” -- which raises other issues such as what or how compliance might be proven or enforced.

EPA has previously stated that by using the current ESA compliance approaches, they could only theoretically complete about 5 percent of the ESA required reviews in about 18 years. This means that it **would take EPA about 360 years** to complete its ESA compliance review for all pesticides, which is clearly not acceptable.

The Updated EPA Workplan released in November describes mitigation strategies that are “reasonable and prudent alternatives” (RPAs) for ESA compliance to help streamline the process and reduce the unacceptable timeframe of 360 years. However, these updated strategies might lead to fears among some stakeholders that in a “rush” to complete this work, EPA will make overly conservative label restrictions and reduce availability of the pesticide without adequate and legally defensible ESA protections.

The ESA Workplan Update also describes initiatives that, according to EPA, will help it and other federal agencies improve approaches to mitigation under the ESA and improve the interagency consultation process outlined in the ESA Workplan. These initiatives include EPA’s work to [identify ESA mitigation measures for pilot species](#), incorporate early ESA mitigation measures for groups of pesticides (*e.g.*, broadleaf herbicides), and develop region-specific ESA mitigations.

I submitted comments on Feb. 14 2023 on behalf of the presidents of the WSSA, APMS, NCWSS, NEWSS, SWSS and WSWS with the help and edits from the Science Policy Committee and the ESA Committee. The public docket with the ESA Update Plan along with other supplementary documents and all comments submitted can be found at [EPA-HQ-OPP-2022-0908](#).

WSSA Comments on Atrazine Interim Registration Decision

WSSA [comments](#) were submitted on October 7 addressing EPA’s proposed revisions for its interim registration review of atrazine. Among the various mitigation measures, EPA’s proposal calls for prohibiting applications in saturated fields, limiting annual atrazine application rates and requiring growers in watersheds with atrazine levels above 3.4 ppb to choose from a “picklist” of practices to mitigate runoff. It is estimated that the proposed changes would impact over 65 million acres of corn, sorghum and sugarcane. We expect to see similar mitigation measures as the EPA works to advance pesticide compliance for the ESA-FIFRA process.

For atrazine, we also asked EPA to schedule a FIFRA Science Advisory Panel (SAP) to seek external peer review of atrazine’s risks to aquatic plant communities, including the 3.4 ppb level of concern (LOC) since past ecological and scientific reviews have concluded higher LOC’s for atrazine.

Many thanks go out to WSSA President Stanley Culpepper and Science Policy Fellow Taylor Randell for pulling together the comments and the literature review, as well as edits and reviews by Bill Chism, Anita Dille and Bill Curran. Thank you also goes to members of the WSSA Extension Committee for their input.

Glyphosate Letters to US Solicitor General and Congressional Leaders

On May 10, 2022, Solicitor General Elizabeth Prelogar submitted a brief to the U.S. Supreme Court advising the Court against hearing a glyphosate case, arguing that federal pesticide registration and labeling requirements do not preclude states from imposing additional labeling requirements, even if those requirements run counter to federal findings. This position was a stunning reversal from numerous past administrations, Democratic and Republican alike. On behalf of the National and Regional Weed Science Societies, we supported a [letter](#) strongly urging Solicitor General Prelogar to withdraw the brief to the Supreme Court establishing this new policy. Unfortunately, Prelogar still submitted the letter and the Supreme Court did not hear the case.

In November, the National and Regional Weed Science Societies reaffirmed their position in supporting the FIFRA statutes governing state pesticide labels by joining over 300 other organizations in a letter to Congressional leaders in the House and Senate. The letter states *“The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the primary statute governing pesticides, places EPA in the authority to make foundational, science-based decisions on how pesticides can be labeled and used. States are permitted to regulate the sale and use of pesticides under FIFRA but are preempted from requiring additional or different pesticide labels or packaging.”* In other words, California cannot require glyphosate registrants to put a Prop 65 statement on glyphosate labels because the EPA has repeatedly concluded that glyphosate is not carcinogenic.

Getting APHIS PPQ to Spend Money on Federal Noxious Weeds

Dr. Mark Davidson was appointed to lead APHIS Plant Protection and Quarantine (PPQ) in May 2022. APHIS PPQ’s primary role is to safeguard U.S. agriculture and natural resources against the entry, establishment, and spread of pests and diseases. In July I met with Dr. Davidson and Samantha Simon to discuss APHIS PPQ’s lack of focus on federal noxious weeds. Joining me on the meeting were WSSA President Stanley Culpepper and Jacob Barney, WSSA Noxious and Invasive Weeds and Biocontrol Committee Chair.

We kindly reminded them that widespread weeds like hydrilla and cogongrass are **federally listed noxious weeds** for which APHIS PPQ has responsibility for managing and preventing their spread from state to state. We discussed the new strain of hydrilla in the Connecticut River and its potential to spread into the Great Lakes. While APHIS has active permits for two hydrilla biocontrol agents, *Hydrellia balciunasi* and *Hydrellia pakistanae*, they do not have a current program for the control and management of hydrilla.

For the time being, APHIS PPQ pointed us to funding available under the [Plant Protection Act section 7721](#) where you can find information about the Plant Pest and Disease Management

and Disaster Prevention Program (PPDMDPP). Key contacts for PPDMDPP are Van Pichler, who is the National Policy Advisor for PPA 7721 and Christa Speekmann, the Director for Pest Evaluation and Response for PPA 7721 portfolio. **NOTE- [For FY 2023, the PPDMDPP funded less than \\$1M for 4 invasive weed projects, while spending \\$70 million on 348 insect and disease projects.](#)**

WRDA 2022 Signed Into Law as Part of National Defense Authorization Act

The Senate passed the 2022 Water Resources Development Act (WRDA) by a vote of 83-11 in early December, well after the House passed their version of WRDA last summer. The WRDA bill conference agreement was attached to the massive \$858 billion National Defense Authorization Act (NDAA) for a ride to the President's desk where he signed it into law on December 23, 2022, despite his opposition to a military non-vaccination clause in NDAA.

WRDA has been reauthorized by Congress every two years since 2014 to fund projects and research carried out by the Army Corps of Engineers (ACOE). Overall, WRDA will authorize more than \$37 billion in funds for inland waterways projects. The 2022 WRDA language is included under "Division H – Water Resources" in the much larger NDAA law (P.L. No. 117-263).

Under Section 8305, Invasive Species, **the following aquatic invasive species provisions were added: (highlighted in green):**

- Amends 33 USC 2263a: Aquatic invasive species research by **adding hydrilla** to the list of priority species, which now reads:
*"In general- As part of the ongoing activities of the Engineer Research and Development Center (ERDC) to address the spread and impacts of aquatic invasive species, ACOE shall undertake research on the prevention, management, and eradication of aquatic invasive species, including Asian carp, elodea, **hydrilla**, quagga mussels, and zebra mussels."*
- Increases from \$50 million to **\$75 million per year through FY 2028** for ACOE invasive species partnerships with states and other Federal agencies to carry out actions to prevent the introduction of, control, or eradicate invasive species that adversely impact water quantity, water quality, **or ecosystems** in the Platte River Basin, the Upper Colorado River Basin, the Upper Snake River Basin, **the Lake Erie Basin, the Ohio River Basin** and the Upper Missouri River Basin. Priority shall be given to projects that are intended to control or eradicate **Russian olive (*Elaeagnus angustifolia*)**, **hydrilla (*Hydrilla verticillata*)** or **saltcedar (*Tamarix spp.*)**.
- The Harmful Algal Bloom (HAB) demonstration program adds 8 new focus areas to the original 6 focus areas. The **HAB demonstration program is authorized for \$25 million total until expended** by ACOE to determine the causes of, and implement measures to effectively detect, prevent, treat, and eliminate HABs associated with water resources development projects. The HAB demonstration program focus areas now include:
 - (1) the Great Lakes;
 - (2) the tidal and inland waters of the State of New Jersey, including Lake Hopatcong, New Jersey;
 - (3) the coastal and tidal waters of the State of Louisiana;

- (4) the waterways of the counties that comprise the Sacramento-San Joaquin Delta, California;
- (5) the Allegheny Reservoir Watershed, New York;
- (6) Lake Okeechobee, Florida;
- (7) **the Caloosahatchee and St. Lucie Rivers, Florida;**
- (8) **Lake Sidney Lanier, Georgia;**
- (9) **Rio Grande River Basin, Colorado, New Mexico, and Texas;**
- (10) **lakes and reservoirs in the State of Ohio;**
- (11) **the Upper Mississippi River and tributaries;**
- (12) **Detroit Lake, Oregon;**
- (13) **Ten Mile Lake, Oregon; and**
- (14) **the coastal waters of the United States Virgin Islands.**

- Adds the **Sacramento-San Joaquin Delta, California** to federally authorized water resources development projects. Specifically, ACOE shall periodically update the Invasive Species Policy Guidance, developed under section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) and the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.), in accordance with the most recent National Invasive Species Council Management Plan developed pursuant to Executive Order 13112 to include specific efforts at federally authorized water resources development projects located in:
 - (1) high-altitude lakes;
 - (2) the Tennessee and Cumberland River basins; and
 - (3) **the Sacramento-San Joaquin Delta, California.**

Biden Administration's Revised WOTUS Rule Now Final

On December 30, 2022, the Biden administration finalized its rendition of the WOTUS rule.

Here is my take on the rule:

- EPA failed to listen to numerous stakeholders that called on the agency to stay the rulemaking on a new WOTUS rule until the Supreme Court ruled on the [Sackett case](#) (expected this spring).
- The Biden version of WOTUS is not a complete return to the Obama rule adopted in 2015. EPA's listed exemptions at least try to address some of agriculture's concerns over lack of clarity.
- Even so, EPA is reintroducing considerable ambiguity in this version of the rule as it attempts to determine what is a WOTUS by the use of the "significant nexus" test. The "significant nexus" test is a **legally fragile** test, created and signed onto by a single Justice in one Supreme Court case 15 years ago (Rapanos decision, 4-1-4). Yet, the new Biden WOTUS rule has been built on this precarious test.
- The treatment of ditches, ephemeral streams and groundwater, all of which were largely categorically excluded under Trump's WOTUS rule would now be declared WOTUS. There is no doubt that continued litigation will occur as a result of this rule.

- It is now clear that four successive administrations of both political parties have been unable to resolve this matter in a way that satisfies the broad range of stakeholders and provides long-term regulatory certainty which is badly needed.
- It is expected that the Supreme Court will strike down the significant nexus test in the Sackett case this spring, which would certainly topple the Biden WOTUS rule.
- Can Congress step in in a bipartisan manner to provide clarity regarding which bodies of water are under the jurisdiction of the Clean Water Act?

Support for BLM's Intent to Approve Eight Herbicides

On behalf of the National and Regional Weed Science Societies, I submitted a [letter of support](#) to the Bureau of Land Management's (BLM) "notice of intent" to prepare a Programmatic Environmental Impact Statement (PEIS) for approval and use of the following eight herbicides on BLM land: 1) aminocyclopyrachlor; 2) clethodim; 3) fluazifop-p-butyl; 4) flumioxazin; 5) imazamox; 6) indaziflam; 7) oryzalin; and 8) trifluralin. BLM has said they plan to release a draft biological evaluation of the eight herbicides "very soon". (It was supposed to be before 2023)

NISAW: February 20-26, 2023

Another successful National Invasive Species Awareness Week (NISAW) was conducted from Feb. 20-26. Recorder presentations of the daily webinar will be available at: <https://www.nisaw.org/>. The WSSA is a Partner Sponsor of NISAW, which is its 24th year of supporting NISAW since its inception. For 2024, groups will be traveling to DC to advocate for invasive species policy and to celebrate NISAW 25th Anniversary. The tentative dates will be February 26 – March 3, 2024.

2023 Congressional Visits Fly-in Dates

In November 2022, I organized 15 **in-person visits** on Capitol Hill for the weed science society president's who flew-in for 3 days. I forgot how effective in-person visits can be! We'll need to find a time frame that works for a DC fly-in for both APMS leadership and Weed Science Society presidents and Science Policy Fellows.

For APMS, we will need to focus almost entirely on ACOE appropriations so that we don't lose the \$6 million for the Connecticut River hydrilla research and control project that we received for the first time in FY 2023. We'll also need to advocate for the appropriations for the programs that were re-authorized in the WRDA 2022 bill (see WRDA 2022 above).

It will also be an opportunity for APMS leadership to meet with Michael Connor at the Pentagon. He is the Assistant Secretary of the Army for Civil Works who oversees all civilian work for the U.S. Army Corps of Engineers, including the Aquatic Plant Control Research Program.

APMS President Brett Hartis, President-Elect Jay Ferrell, and Science Policy Rep Rob Richardson will be flying into DC for meetings from March 27 - 30, 2023.

For WSSA and the Regional Weed Science Societies, my plan is to continue support for the NIFA IR-4 and Crop Protection and Pest Management (CPPM). Are there other USDA research programs that we should support? (i.e. **Smith Lever, Hatch Act, Methyl Bromide Alternatives, Equipment grants...**)

This is also a **Farm Bill** year, so we will continue to address the problems with the definition of “plant pest”, as well as hopefully get Congress to reauthorize the noxious weed program grants and agreements, both at \$7.5 million, which expired in FY 2009.

WSSA President Carroll Moseley, NCWSS President Reid Smeda, NEWSS President Wes Everman, SWSS President Eric Costner, and WSSS President Curtis Rainbolt will fly in to DC during the week of April 17 – 20, 2023. NOTE: This is same week as the NCFAR board meeting and fly-in on April 18 and the CLA/RISE Spring Conference fly-in, which is April 19 – 21.

2023-2024 Weed Science Society Meetings

Feb. 27 – Mar 2, 2023. Western Society of Weed Science (WSWS), Boise, ID www.wsweedsociety.org

Jul. 24 - 27, 2023. Aquatic Plant Management Society (APMS), Indianapolis, IN www.apms.org

Dec. 11 - 14, 2023. North Central Weed Science Society (NCWSS), Minneapolis, MN www.ncwss.org

Jan. 8 - 11, 2024. Northeastern Weed Science Society (NEWSS), Gettysburg, PA www.newss.org

Jan. 22 - 25, 2024. Southern Weed Science Society (SWSS), San Antonio, TX www.swss.ws

Jan. 22 - 25, 2024. Weed Science Society of America (WSSA), San Antonio, TX www.wssa.net