WSWS Summer Board Meeting, Denver, CO
Washington Report
Lee Van Wychen

New Science Policy Fellows (SPFs)

- Annu Kumari- USDA-ARS Auburn. Ph.D. expected May 2024; Advisor: Dr. Andrew Price.
- Cynthia Sias – Virginia Tech. Ph.D. expected Dec. 2023; Advisor: Dr. Michael Flessner.

WSSA Endangered Species Committee

- Chaired by Bill Chism, retired after 20+ years with EPA Office of Pesticide Programs (OPP) Biological and Economics Analysis Division (BEAD). Bill is doing a phenomenal job.
- Committee members are: Cameron Douglass, USDA OPMP; Stanley Culpepper, WSSA Past President; Taylor Randell-Singleton, grad student rep; Brad Hanson, UC-Davis; Mark VanGessel, WSSA-EPA Liaison; Sarah Lancaster, Kansas State, and me
- The committee is proposing a communications webpage and is also looking to find a new graduate student representative for the committee
- ESA Label Format - Stanley, Lee, and Bill met with Billy (Charles) Smith, Director of the Registration Division in OPP to talk about a standard label format. OPP had proposed a standard format back in 2019 but the project never really took off. Proposing a standard format should be doable and would reduce the time for users to find key information.
    - Ideally our suggestions would end up in the Label Review Manual where they are visible to everyone.
    - Step one: review the format and make suggestions with a small group of weed scientists as they prepare their state recommendations in the spring.
    - Step two: walk registrants, crop consultants, USDA through the format and any suggestions; and step three: take suggestions to EPA OPP.
- IR-4 has been collecting crop efficacy data for 60 years. Need to make sure EPA is aware of the data and use it for ESA surrogate species. EPA should select representative crop groupings for an herbicide's efficacy trial. Don't do herbicide trials on every crop. Not necessarily a need to do it on every endangered species.
- EPA's Vulnerable Species Pilot Project strategy, i.e. List of 27 endangered species EPA is considering most representative and how they hope to organize some sort of framework. Expect an update by end of July on EPA's "herbicide strategy".

Organized a Capitol Hill Seminar on July 11: "Protecting Endangered Species While Feeding the World" presented by Culpepper and Chism.

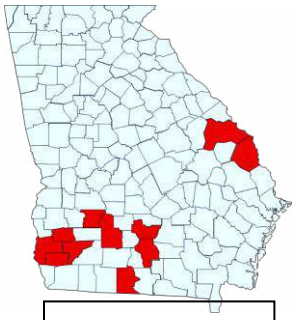
-Very well received. Approximately 75 staffers.

This was the first in-person NCFAR Lunch-n-Learn seminar on Capitol Hill since 2019 (boo Covid). The event sponsors were: WSSA, National Association of State Departments of Agriculture (NASDA), Extension Committee on Policy (ECOP), CropLife America (CLA), and Syngenta. Additional collaborators were the National Corn Growers Association (NCGA) and American Soybean Association (ASA).

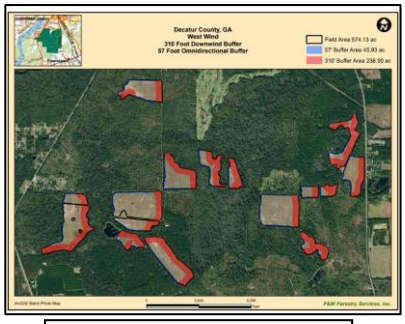
One-Page Leave Behind:

*Fifty years ago, the **Endangered Species Act** (ESA) was signed into law to protect and conserve imperiled species from extinction. Few understand the complexities and challenges associated with this Act and how it potentially threatens agriculture, family farm sustainability, and having an ample supply of food, feed, and fiber needed by humankind.*

*In an abundance of caution to protect species listed under the ESA and help minimize the risk of litigation, the **U.S. EPA has been inserting large spatial buffers** on certain pesticide labels that restrict applications in counties where listed species **may be present**. For example, an herbicide was eliminated from use on approximately one million acres in 11 counties in Georgia. However, after further research, only 0.37 percent of the total acres in those counties represented suitable habitat. Although the effort of protection is important and supported by agriculture, current label restrictions are excessive in some situations as restrictions are not based on high-resolution data where a species likely occurs nor where and how pesticides are applied.*



County-wide restrictions



In-field downwind buffers (in red)

*While entire counties have been removed from some product labels, EPA has also imposed in-field restrictions to mitigate **potential** off-target movement such as conservation practices to reduce runoff and no-spray buffers to reduce spray drift. For example, some required downwind buffers could eliminate as much as 49.6% of the field from a product application. These restrictions are preventing the use of tools needed to control threatening weedy pests in fields that are nowhere near the documented historical habitats of concerned species.*

*As the **number of farms decline** rapidly and the **loss of U.S. agricultural land** exceeds 200 acres every hour, there is an expectation that we will need to **produce 70% more food by 2050** to sustain a growing population. This monumental task will only be accomplished if economically effective tools are available helping farmers prevent pests from stealing food, feed, and fiber.*

*Methods developed from sound science can protect both concerned species and agriculture; in fact, protecting agriculture is the key to providing healthy habitats for wildlife. **Funding is needed to help educate farmers on ways to protect endangered species, create better maps of where species occur, and research additional ways to reduce the risks from pesticides.***

Weed Science Society Presidents Visit Washington DC.

During the week of April 17, the presidents from the four regional weed science societies and WSSA traveled to Washington DC to advocate on behalf of weed science policy initiatives and help WSSA achieve its mission of promoting research, education, and awareness of weeds in managed and natural ecosystems. Our primary mission during the week was meeting with the president's elected members of Congress and their staff from their home states. Talking points included:

- Support $8 billion in mandatory agricultural research funding in the next Farm Bill. U.S funding peaked in 2002 and has declined by 1/3 since then, hitting the lowest levels since 1970. While U.S. investments decline, China's funding for ag research has grown to more than $10 billion – **double of what the U.S. currently spends**. Current U.S. ag research

funding is just under $5 billion and most of that is discretionary funding that relies on year-to-year appropriations from Congress.

Pictured (L to R): ***Wes Everman****, NC State, NEWSS President****; Curtis Rainbolt****, BASF, WSWS President;* ***Carroll Moseley****, Syngenta, WSSA President;* ***Eric Castner****, FMC, SWSS President; and* ***Reid Smeda****, University of Missouri, NCWSS President*

- Support USDA-NIFA IR-4 Project funding at $25 million in FY 2024. The IR-4 Project was funded 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 was established in 1963 by USDA to conduct research and develop the data needed to facilitate the registration of crop protection products, including reduced risk and bio-based pesticides, for minor use crops such as fruits, vegetables, herbs, spices, ornamental plants and other horticultural crops. The IR-4 Project provides an incredible return on investment as it contributes $8.97 billion to the annual U.S. GDP.

- Support the USDA-NIFA Crop Protection and Pest Management (CPPM) program at $25 million in FY 2024. The CPPM program was funded at $21 million in FY 2023.
    - The CPPM program is a highly effective competitive grant program that tackles real world weed, insect, and disease problems with applied solutions through the concepts of integrated pest management (IPM). The CPPM also funds the Regional IPM Centers and Extension IPM programs.

- Amend the definition of a “plant pest” in the Plant Protection Act so that it includes noxious weeds and invasive plants. Currently, only “parasitic plants” are listed in the definition of “plant pest” [(7 USC 104, S.7702 – Definitions, (14) Plant Pest, (C)).]
    - USDA-APHIS receives almost $400 million per year in their Plant Health account to prevent the introduction and spread of “plant pests” in the U.S., but only a fraction goes toward weed prevention and surveillance. One example is their “Plant Pest” and Disease Management and Disaster Prevention (PPDMDP) program,, which directs $75 million a year to state governments, universities, non-profit institutions, industry, and tribal

nations – to support projects that protect specialty crops, nursery systems, forestry, and other agricultural production systems and natural resources from harmful and exotic "plant pests." Very few of the 300+ "plant pest" projects supported by the PPDMDP involve noxious weeds or invasive plants.

- Working on a letter to House and Senate Appropriations Subcommittee for Transportation to get funding for the Invasive Plant Elimination Program authorized in the 2021 Infrastructure Law. Was authorized at $50M annually from FY 2022 – 2026, but has not been appropriated any money yet. We are requesting $10M to start a pilot program. Link: Section 11522 - Invasive Plant Elimination Program description in 2021 Infrastructure Law
  - Organizations can read and endorse the letter here.
    - All weed science societies have endorsed the letter. Currently at 44 groups.

- NOTE: It was the first time I had all the society presidents stay in an Air-BnB. Compared to staying in hotels, it was at least 50% cheaper. Presidents commented that it was a good experience overall. Will consider in future.

FIFRA SAP on Atrazine:
-Aaron Hagar, University of Illinois, was nominated and approved to serve on the Atrazine SAP, as well as the following APMS members: Jay Ferrell, John Madsen and Kurt Getsinger. The SAP will take place toward the end of August.

APMS Leaders Meeting
-Brett Hartis, Jay Ferrell and Rob Richardson and I met with Stacey Brown, Deputy Assistant Secretary of the Army for Civil Works Management and Budget.
-The meeting was originally scheduled as an in-person meeting at the Pentagon, but due to 106 Congressional committee hearings during the week of March 27 and not being able to secure enough appointments on the Hill (I was only able to schedule 6 appointments out of 31 requests), we decided to cancel their visit to DC.
-We still met with Stacey via zoom. We discussed why there has not been a request in the President's budget (for at least the past 20 years) for funding for the Army Corps Aquatic Plant Control program. Instead, Congress adds this line item to their Energy and Water appropriations every year. How best to proceed? Target OMB.
-The House budget for the Aquatic Plant Control program is identical for FY 2023, which includes another $6M for hydrilla research and management in the Connecticut River basin.

2023 Farm Bill
There is less than a 50% chance the Farm Bill will be completed this year. Expect a one-year extension. There is a concentrated effort among ag research stakeholders to make ag research spending in Title 7 of the Farm Bill **mandatory** spending instead of discretionary spending.

FY 2024 House Agriculture Appropriations
-USDA research accounts stayed level for the most part in the House bill (which is considered a victory this year), plus ARS received a slight increase. However, the $4.7M Area wide pest

management (AWPM) account in ARS was not in the president's budget request. This program is used to fund large-scale projects such as Get Rid Of Weeds (GROW). We are working with other stakeholder groups, like the Entomology Society of America to make sure AWPM funding is not cut from the USDA-ARS.

FY 2024 House Appropriations Committee for Interior, Environment and Related Agencies

- Sets funding levels for EPA and the US Fish and Wildlife Services (FWS) programs. The committee cut EPA's budget to its lowest level since 1991. However, many of the provisions that the national and regional weed science societies supported, along with many other stakeholder groups, were in the House bill. Here is a summary:

- Pesticide Program Funding – The Committee report recommended funding the pesticide licensing program at $120.2M for FY24, which is the same as the final funding level enacted for FY23. While it may seem disappointing not to have received an increase given that we requested $145M, please note that the entire Environmental Programs and Management account, where the pesticide licensing program is housed, received a $857M cut.

- FWS Consultation Funding – The Committee report recommended providing no less than $2M for pesticide-specific ESA consultations at FWS. While we requested $3M, this is still a significant accomplishment given that the report recommends cutting $12.1M or 10.0% from FY23 enacted levels for the whole FWS planning and consultation account.

- FIFRA Labeling Language – We requested bill language specifying that no funds may be used by EPA to approve labels inconsistent with the agency's human health findings under FIFRA. That language was included in the bill text.

- EPA Pesticide Implementation Language – We requested several language related provisions related to 1) what types of data EPA must consider in its ESA effects determinations (existing conservation data, pesticide usage data, real-world spray drift and water concentration studies, etc.) 2) directing the agency to consult with USDA/impacted stakeholders on mitigations and pilot projects pre-publication, and 3) direct the agency to ensure that epidemiological studies used by EPA meet data quality standards and can be independently verified. All this language was included in the report as well as directives for the agency to update its guidance on these matters as necessary.

- Sub-County Species Level Maps Language – We requested language directing FWS to, when possible, develop subcounty level species range maps. This language was included in the House Interior Appropriations committee report as well.

- NOTE: The House Interior Appropriations Committee bill is **only the first step** in this process!

Invasive Species Management Fund

I continue to explore a $1 per ton of freight import and inspection fee for invasive species management. This would be similar to Hawaii's law passed in 2008. This would generate approximately $1 billion for invasive species management in the U.S. Big questions on how to distribute and use money. (first we have to get it)

Army Corps of Engineers Aquatic Weed Management Tour

Held June 5-9 in Baton Rouge, LA. We toured Dr. Chris Mudge's aquatic weed research trials at LSU along with staff from the EPA and Army Corps of Engineers. We also got to explore the different aquatic weed problems they face in the Atchafalaya National Wildlife Refuge (NWR) and Lake Henderson. Common and troublesome weed problems included water hyacinth, hydrilla, giant salvinia and Cuban bulrush.

Supreme Court Rules on Waters of the United States

The US Supreme Court released its opinion on May 25 in *Sackett v. EPA* and ruled in favor of the Sacketts. All **nine members of the court rejected** the federal government's "**significant nexus**" test, which was crafted by former Justice Anthony Kennedy in the 2006 *Rap*anos decision. In other words, the "significant nexus test" is no longer an appropriate measure to determine a Water of the United States (WOTUS). Although there was a 5-4 split over what the test should be, not one justice attempted to defend "significant nexus" as an appropriate test.