

# U.S. Environmental Protection Agency



## Farm, Ranch, and Rural Communities Advisory Committee



## Public Meeting Summary

November 15-16, 2021  
Location: Virtual Meeting via Zoom

**NOTE AND DISCLAIMER:** The minutes that follow reflect a summary of remarks and conversation during the meeting. Such ideas, suggestions, and deliberations do not necessarily reflect consensus advice from the Board. Formal advice and recommendations may be found in the final advisory reports or letters prepared and transmitted to the agency following the public meetings. Moreover, the Board advises that additional information sources be consulted in cases where any concern may exist about statistics, or any other information contained within the minutes.

**U.S. Environmental Protection Farm, Ranch, and Rural Communities Advisory Committee Public Meeting Summary**

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## Meeting Participants

### FRRCC Members and Roll Call

FRRCC Members and Roll Call	Day 1- November 15, 2021	Day 2- November 16, 2021
<b>William Thomas (Tom) McDonald (Committee Chair)</b> Five Rivers Cattle Feeding, LLC Dalhart, Texas	Yes	Yes
<b>Michael J. Aerts</b> Minor Crop Farmer Alliance Florida Fruit and Vegetable Association Maitland, Florida	No	No
<b>Barry Berg</b> East Dakota Water Development District Brookings, South Dakota	Yes	Yes
<b>Emily M. Broad Leib</b> Harvard Law School Food, Law and Policy Cambridge, Massachusetts	Yes	Yes
<b>Don Brown</b> Anchor Three Farm, Inc. <i>Colorado Commissioner of Agriculture 2015-2019</i> Yuma, Colorado	Yes	No
<b>Jamie Burr (Workgroup Chair, Ad Hoc Workgroup on Water)</b> Tyson Foods, Inc. Springdale, AR	Yes	Yes
<b>Phillip H. Chavez</b> Lower Arkansas Valley Water Conservancy District, Catlin Canal Company, and Lower Arkansas Valley Super Ditch Partner Diamond A Farms and Mohawk Valley Farms Rocky Ford, Colorado	No	Yes
<b>John R. H. Collison</b> BlackOak Farms Oklahoma Rule Association. Edmond, Oklahoma	Yes	Yes
<b>William (Bill) Couser</b> Couser Cattle Company Rep Cattle and Ethanol Nevada, Iowa	Yes	Yes
<b>Michael Crowder</b> National Association of Conservation Districts Barker Ranch Benton Conservation District	Yes	Yes

<b>FRRCC Members and Roll Call</b>	<b>Day 1- November 15, 2021</b>	<b>Day 2- November 16, 2021</b>
West Richland, Washington		
<b>Matthew Freund (Workgroup Chair Ad Hoc Workgroup on Food Loss and Waste)</b> Freund's Farm and CowPots LLC East Canaan, Connecticut	<b>Yes</b>	<b>No</b>
<b>Sharon Furches</b> Furches Farms Partnership Kentucky Farm Bureau Louisville, Kentucky	<b>Yes</b>	<b>No</b>
<b>Jeffrey Gore, Ph.D.</b> Delta Research and Extension Center Mississippi State University (Academia) Stoneville, Mississippi	<b>Yes</b>	<b>Yes</b>
<b>David Graybill</b> Red Sunset Farm Pennsylvania Farm Bureau Mifflintown, Pennsylvania	<b>Yes</b>	<b>Yes</b>
<b>Alex P. Johns</b> Seminole Tribe of Florida Inc. Okeechobee, Florida	<b>No</b>	<b>No</b>
<b>Jimmy W. Kinder</b> Kinder Farms Oklahoma Farm Bureau Walters, Oklahoma	<b>Yes</b>	<b>Yes</b>
<b>Lauren C. Lurkins (Committee Vice Chair/ Workgroup Chair Ad Hoc Workgroup on Pesticides)</b> Illinois Farm Bureau/ American Farm Bureau Federation Bloomington, Illinois	<b>Yes</b>	<b>Yes</b>
<b>Jeanette L. Lombardo</b> Farmer Veteran Coalition Global Water Innovations, Inc. Davis, California	<b>Yes</b>	<b>Yes</b>
<b>Gary Mahany</b> Gary Mahany Farms Arkport, New York	<b>No</b>	<b>No</b>
<b>Nicholas McCarthy</b> Central Valley Ag Cooperative York, Nebraska	<b>No</b>	<b>No</b>
<b>Jesse McCurry</b> Kansas Grain Sorghum Commission Kansas Grain Sorghum Producers Association	<b>Yes</b>	<b>Yes</b>

<b>FRRCC Members and Roll Call</b>	<b>Day 1- November 15, 2021</b>	<b>Day 2- November 16, 2021</b>
Colwich, Kansas		
<b>Jay Ivan Olsen</b> Utah Department of Agriculture and Food Salt Lake City, Utah Representing state governments	<b>Yes</b>	<b>Yes</b>
<b>Christopher L. Pettit</b> Office of Agricultural Water Policy Florida Department of Agriculture and Consumer Services Tallahassee, Florida	<b>Yes</b>	<b>Yes</b>
<b>William R. Pracht</b> Pracht Farms East Kansas Agri-Energy Garnett, Kansas	<b>Yes</b>	<b>Yes</b>
<b>Graciela I. Ramírez-Toro, Ph.D.</b> Center for Environmental Education, Conservation and Research Inter American University of Puerto Rico San Germán, Puerto Rico	<b>Yes</b>	<b>Yes</b>
<b>Charles R. Santerre, Ph.D.</b> Food, Nutrition, and Packaging Sciences Clemson University	<b>Yes</b>	<b>Yes</b>
<b>Beth C. Sauerhaft, Ph.D.</b> American Farmland Trust Chappaqua, New York	<b>Yes</b>	<b>Yes</b>
<b>Stacy Wayne Smith</b> S & A Smith Farms New Home, Texas	<b>No</b>	<b>No</b>
<b>Davie Shane Stephens</b> DJ Stephens Farm American Soybean Association Wingo, Kentucky	<b>Yes</b>	<b>Yes</b>
<b>Jeff M. Witte</b> <i>Secretary of Agriculture</i> , State of New Mexico Las Cruces, New Mexico	<b>Yes</b>	<b>Yes</b>
<b>Amy Wolfe</b> AgSafe Modesto, California	<b>Yes</b>	<b>Yes</b>
<b>James E. Zook</b> Michigan Corn Growers Association and Corn Marketing Program of Michigan Lansing, Michigan	<b>Yes</b>	<b>Yes</b>

**Speakers (EPA Leadership):**

Agriculture Advisor to the EPA Administrator, Rod Snyder provided opening remarks from EPA, followed by remarks from Carlton Waterhouse, Deputy Assistant Administrator for the Office of Land and Solid Waste; Ya-Wei (Jake) Li, Deputy Assistant Administrator for Pesticide Programs; Alejandra Nunez, Deputy Assistant Administrator for Mobile Sources; Janet McCabe, EPA Deputy Administrator; and Radhika Fox, Assistant Administrator for the Office of Water.

**FRRCC EPA Staff:**

Venus Welch-White (DFO), Emily Selia (Alternate DFO), Lina Younes (Translation)

**Meeting Attendees:**

There were 123 meeting registrations, which included 29 EPA staff from across the Agency.

## **FRRCC Meeting Overview and Remarks by EPA Leadership**

### **FRRCC Meeting Overview and Opening Remarks**

On November 15 and 16, 2021 EPA hosted the third public meeting of the current membership of the Farm, Ranch and Rural Communities Advisory Committee (FRRCC) which was appointed in June of 2020. The meeting was entirely virtual as there was no in-person gathering for this meeting.

On November 15, 2022, the meeting opened with EPA staff providing technical information on how to access the meeting in Spanish via live translation. FRRCC Chairman Tom McDonald welcomed committee participants and viewers, called the meeting to order and conducted roll call. The Chairman acknowledged and thanked the committee members for their excellent work over the past year and a half, particularly during a time when all of the committee and workgroup meetings had to be conducted virtually. He reviewed the three parts of the current charge, to create a holistic pesticide program, support environmental benchmarks with interagency partners to give advice to the agency on food loss and food waste, and water quality and water quantity. He noted that three workgroups were named to address the charge components, with Matt Freund, Jamie Burr, and Lauren Lurkins as workgroup chairs. He stated that this meeting would consist of deliberation by the full committee on the draft recommendations of each workgroup.

Dr. Venus Welch-White, the FRRCC Designated Federal Officer, thanked the committee chair, introduced herself and provided technical information on the federal advisory committee as well as accessing background information, materials, and contacting EPA.

Rod Snyder provided opening remarks from EPA. Mr. Snyder stated that the FRRCC has been providing policy input to the agency for nearly 15 years, with Administrator Regan continuing to support the work. He mentioned the additional leadership who would be in attendance during the meeting, the first of the Biden-Harris Administration, as a testament to the importance of agriculture to the Agency's ongoing work. He shared that Administrator Regan was currently traveling in Mississippi and Louisiana and hoped to attend a future meeting and reemphasize his commitment to this committee moving forward.

Mr. Snyder's remarks were followed by remarks from Dr. Carlton Waterhouse, Deputy Assistant Administrator for OLEM. The meeting then transitioned to workgroup sessions.

The Ad Hoc Workgroup on Food Waste, led by workgroup chair Matt Freund, provided a review of past work, a review and discussion of the proposed recommendations, and voting on the recommendations. Following voting on the Food Waste session, Ya-Wei (Jake) Li, Deputy Assistant Administrator for Pesticide Programs, provided remarks. Lauren Lurkins, workgroup chair for the Pesticide Ad Hoc Workgroup then began the session on pesticides, providing a review of previous work, and began discussion and voting on recommendations. This session was split between Day 1 and Day 2 due to timing.

Public comments were heard at the end of Day 1. Three requests for oral comments were received prior to the deadline and presented at the meeting.

On November 16, 2022, the day began with a review of how to access live Spanish translation, followed by a welcome, call to order and roll call of members by FRRCC Chairman Tom McDonald. Remarks were then provided by Alejandra Nunez, Deputy Assistant Administrator for Mobile Sources. The Ad Hoc Workgroup on Pesticides discussion and voting on the remaining recommendations not completed on Day 1, were then led by Lauren Lurkins. Next, Janet McCabe, EPA Deputy Administrator, and Radhika Fox, Assistant Administrator for the Office of Water, then provided remarks. Jamie Burr, chair of the Ad Hoc Workgroup on Water, then led the workgroup review, discussion and voting on the recommendations related to Waters of the United States (WOTUS) presented during the meeting. Following voting on WOTUS recommendations, Mr. Burr also provided information on the topics that were considered for recommendation on water quantity, but not presented.

Agriculture Advisor Snyder then provided a review of next steps for the FRRCC, including renewing the charter, establishing a new charge, and assessing membership as some members' terms expire in June 2022. Chairman McDonald then provided closing remarks and adjourned the meeting, clarifying that the recommendations would be moved forward shortly to Administrator Regan as a report coordinated by FRRCC leadership, and would seek an in-person meeting with the Administrator.

### **Remarks by Speakers (EPA Leadership)**

Throughout the two-day meeting, multiple members of EPA leadership provided remarks, thanking the committee, providing updates on their areas of work, and expressing commitment to working with the agricultural community. Carlton Waterhouse, Deputy Assistant Administrator for OLEM, the first guest speaker on Day 1, began by emphasizing the important role of the agricultural community in environmental stewardship and conservation, and the critical role of the committee in informing EPA's work. He also shared the announcement of the National Recycling Strategy, which will outline EPA's approaches to addressing the U.S. recycling systems biggest challenges. He shared that EPA is developing its interpretation of the National Food Loss and Waste Reduction Goals for 2030, making sure they are aligning them with relevant United Nations sustainable development goals. He noted the Administrator's concern

about food loss and waste, the connection of food waste to climate change, and EPA's investment in preventing waste and keeping it in the human supply chain.

Ya-Wei (Jake) Li, Deputy Assistant Administrator for Pesticide Programs, thanked the committee for their volunteer service and commitment to the work. He reviewed the strong connection of OCSPP with agriculture, and some of the related priorities of his office to the charge topic of creating a holistic pesticide program. Beginning with the Endangered Species Act and EPA's role, he stated that the top priority for the office is coming into full compliance with the EPA and that although this will take years, EPA is moving forward aggressively to protect endangered species while providing safe and effective pest control tools for growers. EPA is developing a workplan on actions for the near and long term, for example how to update approaches to compliance to meet ESA obligations in a timely manner, with the number of pesticide decisions expected over the next decade. He spoke of the need for stakeholders to work with EPA and collaborate on opportunities to provide better data and analysis. He expressed that a top priority for OCSPP is for FIFRA decisions to come into compliance with the Endangered Species Act and looked forward to seeing the FRRCC recommendations. He expressed OPP's belief that more targeted refined data, especially on pesticide usage, will improve ESA assessments, so a follow-up discussion with the grower community, USDA, and federal wildlife agencies on obtaining better usage information is welcomed. A second opportunity is to prioritize assessments and mitigation on species most vulnerable to pesticides, an effort about which more information will be shared in the coming months. The third opportunity is to examine how existing stewardship practice might inform pesticide mitigation measures, by meeting with USDA to better align conservation practices with pesticide consultations and working with USDA, Fish and Wildlife Service (FWS), and NOAA fisheries on a pilot project to demonstrate how to effectively identify and deploy mitigation. EPA plans to use a handful of species to test drive concepts such as better grower engagement on identifying mitigation measures, and better engagement with FWS Regional Offices.

DAA Li next addressed EPA's work on assessing the risk of the herbicide dicamba, including a review of the 2020 registration decision and subsequent incident reports. He reviewed engagement with stakeholders such as agriculture extension agents, pesticide registrants, USDA, Crop Science Society of America and that EPA's findings would be communicated in the near future.

DAA Li then responded to questions from the committee. Ms. Lurkins asked for insight on timing for the dicamba announcement, as many growers are concerned about supply chain opportunities for both herbicides and fertilizer products in general. He responded that he did not have a more specific timeframe, other than EPA is working expeditiously and being very mindful of those concerns regarding supply chain and the 2022 growing season. Second, she asked about groups with which EPA had consulted and asked if growers, individually or in groups, had been in the most recent discussions on dicamba products. He responded that he would get back to her with specific names, as the registration division of OPP has been primarily meeting with stakeholders but he was fairly certain they have spoken with grower groups, and for certain with the American Association of Pest Control Officials, a group he had left out earlier. Davie Stephens then echoed Ms. Lurkins concerns regarding timing for the 2022 growing season, and shared that a letter from American Soybean Association, American Farm Bureau



Federation, National Corn Growers Association, and National Cotton Council, and a letter from all 26 soybean states were submitted to EPA. DAA Li thanked him for the comments and noted that both letters were received.

James Zook asked about the modeling that EPA uses regarding ESA and use of the precautionary principle. He asked what EPA is going to do to get use rates more in line with how the product is actually applied, and additionally what is needed to make adjustments to those rates that are used for risk assessment. DAA responded that better aligning usage rates was one reason he mentioned earlier that EPA is trying to figure out a process to get better usage information from registrants and growers. He emphasized that usage data is used to better assess what amount of actual exposure is happening so across the board maximum allowed rate isn't used. Mr. Zook responded that care is needed because farmers use some chemistries because they have conservation in mind, and don't want to jeopardize habitat, so the holistic approach that growers use needs to be considered. DAA Li agreed with the holistic approach and welcomes recommendations on how to think through those alternatives.

On Day 2, Alejandra Nunez, Deputy Assistant Administrator for Mobile Sources, provided remarks on behalf of the Office of Air and Radiation, discussing the renewable fuel standard and several voluntary programs. She began with connecting the Renewable Fuel Standard to President Biden's executive orders to protect public health, address the climate crisis, and ensure integration of environmental justice while restoring science as the backbone of EPA decision making. She stated that biofuels will be part of the clean energy future. She reviewed that the Administration's approach is to follow the law to get the program back on track and shared several areas on which the Agency is currently focusing. First, regarding the small refinery exemption, DAA Nunez stated that EPA is in the process of reviewing options in the light of a recent Supreme Court decision and petitions. Second, she shared that EPA is working hard to get the rule out, recognizing that it benefits everyone involved to have the program function as intended, and that a draft rulemaking proposal is in the interagency review process and would be out for public comment soon. Regarding the content of the proposal, she could not share details but shared that the Administrator wanted to be forward looking, make it growth oriented, and put the program on a sustainable path, while addressing the challenging circumstances that impacted the program over the past few years.

DAA Nunez then briefly discussed the voluntary AgSTAR program, which is jointly sponsored by EPA and USDA to promote the use of anaerobic digestion systems and sustainable manure management practice to reduce methane emissions from livestock waste.

Janet McCabe, EPA Deputy Administrator, shared her enthusiasm for being back at EPA and recognition of the challenges that federal advisory committees have faced in working during the pandemic. She emphasized the importance of hearing from stakeholders, to work on the issues together, and her gratitude to the committee for taking this time when she knows that as farmers and ranchers, their time is especially limited. She further emphasized her understanding and gratitude of the challenges farmers and ranchers have faced during the pandemic and appreciation of the work it took to keep the food supply and supply chain operational. Deputy Administrator McCabe then reiterated Administrator Regan's and President Biden's commitment to working with agricultural stakeholders, and the importance of those perspectives.

She then discussed the impact of climate change on agriculture, and EPA's commitment to creatively think with stakeholders to mitigate the effects. She recognized the importance that agriculture will play in helping to manage carbon, build climate resiliency, and protect human health and the environment. In closing, she emphasized that an all hands on deck approach is needed to address the long list of issues that are important to both EPA and agriculture, and that the doors of EPA leadership are open to talk.

Radhika Fox, Assistant Administrator for the Office of Water, reiterated the Agency's appreciation for the FRRCC and the commitment from EPA and President Biden to work with the agricultural community. AA Fox discussed the bipartisan infrastructure law. AA Fox reviewed the large investment in the water sector, and she stated that she's asked her team to think about how some of this funding can support efforts between agriculture and municipalities around water quality protections. She also emphasized that EPA has begun to have deeper discussions with USDA on things like climate smart agriculture, in relation to the bipartisan infrastructure deal. AA Fox then reviewed efforts to address nutrient pollution, such as the Hypoxia Task Force, and a memo in development in the Office of Water, which will outline a vision for partnering with agriculture. She stated her support to expand and deepen collaboration. On WOTUS, she stated that working with the agricultural community is a core commitment of hers on the future definitions of Waters of the U.S. She briefly reviewed the current status of WOTUS and the ongoing efforts to obtain stakeholder input.

## **FRRCC Presentations**

### **Food Waste Ad Hoc Workgroup Report and Committee Discussion**

Matthew Freund, workgroup chair, presented on the committee's work, reviewing the issue of food loss and waste in the U.S. The committee met three times in 2020 and five meetings in 2021, discussing definitions of food loss and waste, food donations liability, measures to divert food waste from landfills, practices that could reduce food waste across the supply chain and challenges to food loss and waste reduction.

He discussed that the recommendations represent the results of months of discussion, presentation, research, and deliberation, and its intent to provide EPA Administrator and staff with actions EPA could take to decrease the amount of food that is lost or wasted in the United States while also benefiting farmers ranchers in rural communities. The recommendations are intended as national policies and activities that could significantly reduce food loss and waste across all parts of the food life cycle. He provided a detailed review of the recommendations, section by section.

Committee members discussed the recommendations in the order listed in the draft document, provided comments and input to the objectives and use of terminology in the recommendations. Sections were presented and members provided comments to sections and/or language which had objections. Only sections which did received unanimous consensus were discussed. Those sections were:

- A4. Committee members commented on the term “look into” and selected the term “evaluate.”
- B3. Committee members discussed how gleaning was considered during the drafting, including the role of insurance in hindering donation, and that the recommendation includes a lot of verbiage about how EPA needs to work with state, local, and federal offices.
- C2. Committee members requested more background, and discussion focused on the intent of the recommendation to support infrastructure on farms, waste diversion programs, waste bans or waste reduction plans. Several committee members expressed concern over the use of the word “ban” within the document and suggested removing the first two paragraphs. Workgroup members shared that the intent was not to support a ban, but to provide resources for the states that do have mandates because they can be resource intensive. A committee member shared that EPA requires certain things of states through their solid waste program, that the ag and rural community isn’t as aware of, so the proposed language came from what already exists. The purpose was to adapt what’s happening already, get more funding and research to improve that, not support a ban, but if a ban is already in place, redirect that and find an extra means of getting more out of the system, utilizing part of the cost for transportation and landfill fees to go back into ag or another way of disposing. Discussion on C2 was tabled before consensus was reached, to review on the other recommendations.
- D. Members requested clarification to make sure that the use of food in cattle production was not limited.

The committee then returned to comments on A3 and C2. Comments were offered on A3, with concern expressed regarding “RCRA regulation” and the surrounding paragraph. A committee member shared that there are certain things that EPA already requires of states with regards to the plans under RCRA, but there’s concern about the terms “guidance” vs. “regulation.” A suggestion was offered to change the sentence to take out “RCRA” and instead, read “include better guidance.” However, the whole paragraph still caused concern. The first vote was conducted on all the recommendations on food loss and water, except for A3 and C2. A vote to pass A3 as amended was held and passed and a vote to pass C2 as amended was held and passed.

### **Pesticide Ad Hoc Workgroup Report and Committee Discussion**

Lauren Lurkins, Workgroup Chair, began the session by reviewing the charge to inform a holistic pesticide program of the future and emphasizing that the workgroup members know that crop protection tools are vital. The workgroup knew, or learned, that a lot of efficiency can be gained in agriculture, to be able to do more with less, that pesticide usage in registration is important to the Administration, and that these should be kept in mind in discussion of the charge. She reviewed that the charge had two broad questions, first questioning how EPA could reduce barriers to bringing crop protection tools to the market, while protecting the environment, natural resources, human health, and safeguarding pollinators and endangered species. The second charge question asked how EPA could improve consumer confidence and build trust with the public regarding pesticides.

The committee had regular monthly meetings, meeting 12 times between October of 2020 and November 2021, with approximately 24 hours of discussion. Topics discussed included consumer perceptions of pesticides; some trade issues; pesticide industry efforts on sustainability; the process for registration and reregistration of products; FIFRA; risk assessment process; relationship between states and EPA; incident reporting; risk communication; and worker protection. They heard from organizations such as the National Pesticide Information Center, American Association of Pest Control Officers, and Crop Life America, in addition to EPA staff and leadership.

The committee then walked through each recommendation. The first four recommendations addressed the charge question of how EPA can better communicate with the public and improve the availability of information.

On recommendation number one, comments included potential difficulties finding farmers willing to step forward to be the face, requests to make to encourage communication about the risks AND benefits, in the risk communication.

No initial comments on number two.

On number three, a question was raised about the type of support for the National Pesticide Information Center. The response was that there is a grant to support NPIC, but support has lessened over time, reducing the days and hours the program is open. The intention was to continue to support, if not increase, funding. Committee members shared their positive impression from the NPIC staff, and their approach to educating the public. A question was raised about ensuring that NPIC gives a well-rounded, consistent information that's not biased. The workgroup responded that registrants have included it on their labels for years, and that they use multiple formats to get information across, with a lot of resources that could come to the land grants.

On number four, the first question was regarding implementation and how consumers would access information. The response from the workgroups is that they have a toll-free number, and really speak about pesticide benefits and risks, to help people understand the whole process. The workgroup advised to be cautious to put additional burden on the registrant to come up with a super lengthy label while noting comparisons to labels on food products. Another comment noted that by incorporating land-grant universities the EPA would be more proactive educating the public than reactive waiting for them to call a toll-free number. Extension agencies could have an outward facing education program without having to get calls about pesticide safety. Another question raised concern about an onslaught of emails. The workgroup responded that these issues were very similar to what was discussed in the workgroup meetings. Through their extensive research they saw how very difficult it is to explain issues such as data and analysis to the public. A final question asked to explain the issue regarding data that DAA Li raised, to which the workgroup responded that the next recommendations address that, but that the challenge is for the public to understand the higher-level issues.

The committee then switched to discussing specific word choices in the recommendations addressing the first charge question. On the first recommendation, the conversation looked at whether or not to include the terms “benefits” and “risks”, concerns over the risks being perceived as alarmist as complex risk is difficult to understand; that the general public primarily wants to know if a product is safe; that something missing in the public dialogue is information about the risks and benefits; that communicating the process should be part of the conversation; and complex issues such as risk coming from improper use. The workgroup conversation had emphasized the need for the public to understand and respect the process EPA utilizes and that these products are important to society. The sentence was modified to remove the word benefit.

On the second recommendation, a question was asked about the meaning of “two-way communication” and with whom EPA would be communicating. The workgroup intended for the communication to be with various groups of stakeholders, and not just one-way, such as through press releases. The committee opted to add a phrase clarifying that it be with stakeholders outside the agency, or doing more outreach, to have a back-and-forth process. The workgroup opted to add a clarification indicating external stakeholders.

On the fourth recommendation, discussion was raised about what kind of consumers, general public (such as with disinfectants and mothballs) or ag product users. Agreement arose that a consumer-friendly standard label for household pesticide products was needed.

The committee then voted and approved the recommendations as amended, under pesticide charge question one.

The discussion of the recommendations regarding pesticides was split between Day 1 and Day 2.

On Day 2, the committee reviewed the recommendations related to the second charge question, asking how EPA can reduce barriers to bringing crop protection tools to market while at the same time protecting the environment, natural resources, human health, as well as safeguarding pollinators and endangered species. Ms. Lurkins read out each recommendation first.

On the first recommendation, a question was asked about how this would work in the case of a new registration that a farmer hasn’t used. Workgroup members clarified that a lot of consultation happens before something goes to market, and in his experience of meeting with the Administrator, includes discussion with farmers over what the supplier has set regarding application rates. A new product is usually replacing another product or multiple products, so there’s a good idea of how a product is going to be used, and through testing with universities and independent contractors you can go back to where a product will be used in different scenarios. In the past, registrations were looser and now the actual label is more specific about how a product is going to be used. In new registrations, there’s not likely going to be as much discrepancy.

A concern about supply chain also arose, expressing concern over altering a registration and the impact for growers, when purchases have already been made out a year or two. A workgroup expressed a wish to have more a consultation with ag groups about the impact of a change, similar to the Animal Ag Discussion Group. To check in during reregistration to understand the

timelines for farmers, as over the past several decades, farmers have been pushed by industry to make choices much earlier than before, moving from spring, to now having to lock in purchases 5-6 months earlier (around September/October) and anticipate what they will need. Another workgroup member advised that the wording couldn't be definitive because it depends on geographic location and crop, so the issue is to really allow farmers time to react to a decision. In the past, decisions have allowed time, typically not immediately stopped use. But things go to court and that can change things. The workgroup agreed upon slightly different language.

On the second recommendation, a question was asked to elaborate on the Animal Ag Discussion Group, but not questions on the content.

On number three, regarding ESA, a comment was made that this is a very important bullet point. On the last two questions looking at worker protection, the question was raised about whether to include landscapers. The workgroup responded that the intention was to include any part of the industry and that the WPS does apply to landscapers, but historically the alliances across workforces aren't well known so adjusting the language to more explicitly capture all workers might be considered. The committee debated being specific about types of trade associations, but that this would limit the scope too much and potentially leave some out, so the term "agricultural" was removed from before "trade associations" so to in good faith acknowledge the broad workforce, that's fluid, moving between segments. Ms. Lurkins also emphasized that as a group, they learned so much about worker protection, such as the evolution of the rules, areas that are still controversial, the challenges about communication between languages, and literacy and effective resources. A final comment from a committee member emphasized a hope that EPA would improve the modeling system. The committee then voted on the recommendations for the second pesticide charge question and approved them as amended.

## **Water Ad Hoc Workgroup Report and Committee Discussion**

Jamie Burr, the workgroup chair, reported on the work of the Ad Hoc Workgroup on Water. Since the last committee meeting in November 2021, the workgroup met approximately 18 times, hosting guest speakers from EPA and other organizations. After finishing recommendations on ecosystems market systems, the workgroup began working on quantity and reuse. At that point, the workgroup engaged with EPA regarding the announcement on WOTUS, and as the committee was interested in providing comments on WOTUS, the quality/reuse question was deprioritized in order to address the time sensitive issues surrounding WOTUS.

### *Ecosystems Management Systems*

Mr. Burr then began with a summary of the recommendations regarding Ecosystems Markets, noting that the FRRCC is utilizing the term Ecosystems Management System (EMS). Mr. Burr read out the recommendations regarding EMS, and the workgroup opted to discuss those recommendations before deliberating on the WOTUS recommendations.

Mr. Burr introduced the EMS recommendations, indicating that farmers, ranchers, and rural communities have already been on an improvement continuum. The workgroup discussed the economics, the growing population, and the aging of the farmer community. He then presented the detailed EMS recommendations.

Following presentations by guest speakers, the committee began deliberation on the EMS recommendations. The first comment from a workgroup member advocated that the language be as broad and flexible as possible, as it relates to the market mechanisms that are going to be looked at by EPA. Florida was offered as an example, where a public goods payment for environmental services framework is used due to credit trading for decades, raising issues such as setting the markets, size, various types of gains, quantification challenges including the need to have a minimum or foundational level.

The next question asked about the balance of roles, and where a division between EPA and USDA roles are. The workgroup response reviewed that several market schemes have been developed recently. The purpose of the recommendation document was to start chalking the field so that farmers and ranchers are treated fairly. The document is intended to provide guidance but not set the market, which should be free enterprise in their opinion. The document is intended to provide guidance on creating a credit, verifying the credit, etc. EPA would have some regulatory aspects relating to greenhouse gas or water quality, but as it relates to what are the practices that could be implemented/what is the environmental benefit that would stay in the USDA space.

The next comment proposed that a place for follow-up work would be on making sure that farmers receive a large portion of the benefit, rather than service providers as it's a concern that has been heard that the people who are doing all the work are not going to get enough of the benefits to make it worthwhile.

Next, a committee member felt that the value of the farmer, or small groups may not be stressed enough, considering that ingenuity/innovation starts often at the local level. The document could outline a space for participation of smaller groups, like watershed or conservation districts groups, alongside partnerships such as USDA, FDA, and EPA.

On the third recommendation regarding EMS, committee members suggested using the word incentive, to provide flexibility as just credit ties into a market.

On 3D, a committee member commented that the practice standards that are in place don't change/update fast enough to catch up to innovations and technologies moving forward. There's a time gap of a couple years for practice standards to catch up. By bringing those farmers and ranchers to the table would let the program be more solid, as evidenced through an example of a recent watershed project that included a group of producers in the planning.

The committee discussed the relationship between the terms "conservation" and "best management" practices, being that the words are not always interchangeable but in action, sometimes USDA's conservation practices are used as EPA's best management practices. And in some opinions, the practices should be the consistent. The committee worked on language that clarified that conservation practices are developed at USDA, and that EPA should work with USDA.

The group then discussed quantification of the environmental improvement, and of the cost, which would both be challenging with ranges in regional costs and different soil conditions.

The committee then voted and passed the EMS recommendations as amended.

### *Waters of the United States (WOTUS)*

Mr. Burr reported out that the workgroup began working on WOTUS recommendations in mid-September 2021. Through the Agricultural Nutrient Policy Council, the workgroup asked agricultural and industry groups to seek input from their constituents, from farmers and ranchers, about where there have been opportunities and challenges— for example, where there has been a jurisdictional determination of waters of the state on their land. The response was low. All the feedback through commodity organizations was that farmers were concerned about being identified through such an exercise. Another committee member added that they received a few stories or case studies, and they will still work on that. It doesn't come quickly in the middle of harvest or while getting ready for harvest, but there's a real problem that people are afraid to come forward to be examples of good or bad experiences and that's a real struggle. If the committee receives additional examples, it's not too late to supply them to the Agency.

Mr. Burr then read out the summary of the recommendations. Regarding the roundtables, the committee had received some feedback that there was concern regarding the process for each region and how a cross section of stakeholders could be identified. The workgroup's concern was that farmers may not want to be put into that situation where there could be disagreement and felt that the EPA should go back to the past process of hearing from the public, from all stakeholders. The workgroup felt that the roundtable process should be reconsidered to make sure that all parties should be heard equally.

A comment was shared with a counter opinion that if EPA could get a balanced representation, by technical experts, to get into some of the issues in more depth, that regional roundtables would be acceptable, especially if paired with continuing the ability of the public to weigh in. Another comment on the roundtables used an example in California's sustainable groundwater management process, that no matter how hard the agency worked for years, at the last minute things would change. So, the best thing to do is to leave the language as it is in the recommendation, as hybrid adds more work, as well.

The committee had no more comments and voted to pass the recommendations.

Following the WOTUS vote, Mr. Burr briefly reviewed the issues that the workgroup had considered addressing on water quality.

## **Wrap Up and Closing Remarks**

Agriculture Advisor Snyder expressed his gratitude for the large amount of work volunteered by the committee, including intense work during this meeting. He reiterated EPA leadership's interest in understanding the work and willingness to collaborate going forward. He provided a review of next steps for the FRRCC, including renewing the charter, establishing a new charge, and assessing membership as some members' terms expire in June 2022. The current charter expires February 7, 2022, and the Agency would begin the process for renewal. A new charge is



also being discussed, as the work from the prior charge has been completed. Once the current recommendations are presented, he will work with the Administrator on updating the charge topics. As the charge is developed in early 2022, EPA will be able to better understand the membership balance of expertise needed to address the issues. EPA will reach out to all the members whose terms are expiring to discuss if they would like to be considered for renewal. Snyder thanked the committee for their service, and there will be a call for nominations, a formal nomination process in the spring.

McDonald then clarified that he and the other chairs would put these recommendation documents into a report format, which would be moved forward to the Administrator. and he would seek an in-person meeting with the Administrator. He provided closing remarks on the value of policy advice to the Administrator on issues important to agriculture, his appreciation to the committee and adjourned the meeting.

## Public Comments

Public comments took place at the end of day one. There were no public comments made on day two of the meeting. Three individuals registered in advance to provide public comments. Commenters are listed and provided statements in the order in which they registered.

### **1. Mike Hyde, Duchesne County Community Development Director, Duchesne, Utah**

Thank you. I'm wearing two hats today. One is as a policy analyst for the Utah public lands policy coordinating office, but I'm also jointly employed with Duchesne County in northeastern Utah. We are a county of about 2 million acres with about only 20,000 people. Probably at least twice as many cattle as we have people in the county. So, we are definitely a farming, ranching and rural community with the largest city in our county being about 7,000 population.

I couldn't attend the entire meeting today, but I understand you're talking about pesticides, and I just wanted to comment that whatever is done, we do need to keep use of pesticides available for our farmers and ranchers. We occasionally have grasshopper and cricket outbreaks out in this area, and mosquito control. We need pesticides for that.

We had a large amount of our water transferred out of our basin to the Salt Lake metro area back in the 1960's and 70's as part of the central Utah project and as a result they created a lot of artificial, manmade wetlands out in our area to make up for the habitat loss, and thus, we have a lot of mosquitoes too. Please, whatever you do, maintain the ability for grasshopper, cricket, and mosquito control as you move forward.

Also understand you were talking about water quantity, and we, about 20 percent of our land area is natural -- national forest and about 13 percent is a wilderness area in the national forest, and it's very critical that we have active forest management to reduce the density of vegetation on the forest.

Each tree is a straw dipping into that available water, and with active management we can provide more water quantity and also help reduce the risk of uncharacteristic wildfire. Think of it as when you plant a garden in your back yard, first thing you do, you put your seeds in the ground and then the packet tells you once the seedlings come up you got to thin them out for them to have enough water and other things to grow and prosper.

Same thing with the forest. Need to keep it managed and thinned out. And we've seen a lot of uncharacteristic wildfires as a result of kind of a hands-off management in the past, treating the forest more like a museum than a farm.

We also need more opportunities to store water, because out in the west we don't get a lot of water in many areas. We get about 10 inches of rain per year here, so we need opportunities to have water storage, so we have water in times of drought.

And finally, I think you were talking about water quality. We had a major fire out here a couple years ago, and the resulting flooding after fire from debris flow got into our main reservoir, and we had to do a 27-million-dollar upgrade to our water treatment plant as a result of flooding after fire so --

So another issue is salinity in terms of water quality. If more funding can be made available to help upgrade irrigation away from flood irrigation to pivot, we can reduce the amount of salinity getting into the water, especially into the Colorado River Basin.

Thank you very much.

2. **Mary-Thomas Hart, Deputy Environmental Council for the National Cattlemen's Beef Association, Washington, DC.**

Hello and thank you so much for the opportunity to provide input this afternoon. I'm Mary-Thomas Hart, Environmental Council for the National Cattlemen's Beef Association. NCBA, nation's oldest trade association representing cattle producers, nearly 250,000 represented.

Land management is inherent part of management business which is why cattle producers across the country are heavily invested in Army Corps.

We look forward to engaging with the agencies as they reconsider the definition of WOTUS. We seek to find balance between protecting our nation's water and supporting conservation centric land management. As this committee considers water quality recommendations for the Agency, I'll highlight 3 issues within WOTUS today that most significantly impact cattle producers.

Isolated features - America's native grasslands sprinkled with isolated wetlands and ponds do not significantly contribute to downstream water quality and should not receive same amount of scrutiny as tributaries. Healthy livestock, without additional burdensome permitting requirements. Second is ephemeral features, as agencies consider how to best

draw jurisdictional lines related to tributaries, we urge agencies to require both presence of physical indicators and flow metric. Previous iterations have relied on one of those factors but not successfully combined two.

By combining present physical indicators and either year-round or seasonal flow, the agencies can ensure resources are aimed at protecting tributaries that contribute most significantly to downstream water quality. Agriculture exemptions - Farmers and ranchers benefit from a number of exemptions, both definition of WOTUS and permitting requirements.

Prior converted cropland, ag storm water and irrigation return flows. While important, they mean little if inadequately interpreted. Specifically related to normal 404 practices exceptions, farmers have little certainty in the ability of this exemption to protect them from liability.

NCBA urge not to rest on 404 exemptions in not drafting any WOTUS definition, final cropland definition as finalized by navigable water retention rule and urges it in any additional rule makings.

Thank you so much for your time.

**3. Allison Crittenden, Director of Congressional Relations, American Farm Bureau Federation, Washington, DC**

American Farm Bureau is nation's largest general farm organization, and we represent farmers and ranchers in all 50 states including Puerto Rico. I would be remiss if I did not utilize this opportunity to emphasize the integral role of environmental goals set by this administration.

Without access to wide variety of pesticide products, farmers would not be able to use environmental practices like no till farming and minimize food waste and loss---

We strongly encourage EPA to avoid greater label restrictions at this time which are likely to exacerbate shortages or catastrophic market disruptions.

Farm Bureau is concerned over remarks regarding dicamba. We implore the Agency to swiftly advise growers and involve them in the decision making of how they're planning to make changes to this label. There are some major supply chain impacts that will result if they deviate from the existing dicamba label. Farmers are already making planning decisions for next year, and as I said, any departure from these existing labels would cause great disruption and potentially lead to yield loss.

As EPA works through its decision-making process regarding pesticides, we are appreciative of the efforts conducted by FRRCC and subsequent recommendations to the Agency, including a focus on a holistic pesticide approach and science-based processes. The general public may not be aware of the robust registration process and environmental

benefits made possible due to use of crop production technologies. We welcome future communications to the general public about how farmers can safely use pesticides and not impact the environment and minimize off-target applications. A working group as established by 2018 Farm Bill recently convened meeting to discuss endangered species consultation issues. As EPA considers next steps, it should consider formalizing farmer involvement and registration process including usage rates and patterns. Should EPA move forward with this, ensure farmers who grow different crops including minor crops are involved.

We anticipate the administration will explore reforms to the Worker Protection Standard, act on FRRCC recommendations to insist materials and create inventory of already available training resources. Agency should understand how use of existing resources can be amplified rather than creating new standards.

Farm Bureau encourages EPA to receive input from this stakeholder group in the future. We are pleased to hear the Agency renewed charter for FRRCC so this important work can continue. Appreciate opportunity to provide perspective on conversations that took place today regarding how EPA can respond to recommendations made by the Farm, Ranch and Rural Communities Advisory Committee. Thank you.

## **Meeting Materials, Reference**

All meeting materials can be found at:

<https://www.epa.gov/faca/farm-ranch-and-rural-communities-federal-advisory-committee-frcc-meeting-calendar>

## Certification of Meeting Summary

The meeting summary was submitted by Venus Welch-White, PhD, Designated Federal Officer, FRRCC.

I, William Thomas McDonald, Chair of the Farm, Ranch and Rural Communities Advisory Committee, certify that this is the final meeting summary for the public meeting held on November 15-16, 2021, and it accurately reflects the discussions and decisions of the meeting.

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William Thomas McDonald, FRRCC Chair

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