



April 10, 2023

The Honorable Jeff Merkley
Committee on Appropriations
Chairman, Subcommittee on Interior
United States Senate
Washington, DC 20510

The Honorable Lisa Murkowski
Committee on Appropriations
Ranking Member, Subcommittee on Interior
United States Senate
Washington, DC 20510

The Honorable Mike Simpson
Committee on Appropriations
Chair, Subcommittee on Interior
United States House of Representatives
Washington, DC 20515

The Honorable Chellie Pingree
Committee on Appropriations
Ranking Member, Subcommittee on Interior
United States House of Representatives
Washington, DC 20515

Dear Chairman Merkley, Chairman Simpson, Ranking Member Murkowski, and Ranking Member Pingree:

The National Association of State Departments of Agriculture (NASDA) commends the subcommittee for its work in support of farmers, ranchers, and rural communities. NASDA represents the Commissioners, Secretaries, and Directors of agriculture in all 50 states and 4 territories. NASDA members are co-regulators with the federal government and strong advocates for American agriculture.

As you begin the fiscal year (FY) 2024 appropriations process, NASDA asks you to prioritize the following programs that enhance farmers, ranchers, and rural communities and ensure a safe, affordable, and abundant food supply.

State and Tribal Assistance Grants (STAG)

State and Tribal Assistance Grants provides states with funding to implement the co-regulatory framework of the Federal Insecticide, Fungicide, and Rodenticide Act. Increased funds will allow states to meet their increasing workload regarding drift complaints and implementation of new federal regulations.

Office of Pesticide Programs (OPP)

NASDA supports increased funding for EPA's Office of Pesticide Programs (OPP) to ensure timely registration reviews and regulatory workload management. Increased funding would provide OPP with the resources needed to meet the decision timelines under the law and ensure that OPP has adequate funding for all of its activities.

U.S. Fish and Wildlife Service (USFWS)

NASDA supports increased funding for the U.S. Fish and Wildlife Service (USFWS) to meet their pesticide consultation obligations and to manage their Endangered Species Act (ESA) workloads promptly. The USFWS and the National Marine Fisheries Service (NMFS) have the primary authority to protect threatened and endangered species. The ESA also requires other

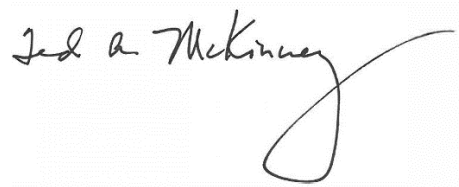
federal agencies to consult USFWS and NMFS when any action the agency carries out, funds, or authorizes may affect a species listed as threatened or endangered under the Act or any critical habitat designated for it. Courts have ruled that the process EPA has utilized to meet the consultation requirement to be inadequate. This has resulted in the revocation of product registrations and uses. This additional funding would allow for additional full-time employees to be used for pesticide consultations.

Revised Definition of “Waters of the United States”

NASDA recommends no funding be made available for the administration, implementation, or enforcement of the Revised Definition of “Waters of the United States” (WOTUS), published in the Federal Register on January 18, 2023 (88 Fed. Reg. 3004), until the existing regulation is changed in a manner that properly recognizes the shared responsibility between the federal government and the states to regulate waterbodies. For over twenty years, the U.S. Supreme Court has issued opinions relating to the definition of Waters of the United States under the Federal Water Pollution Control Act. The U.S. Environmental Protection Agency (EPA) and the U.S. Department of the Army, Army Corps of Engineers (USACE) have promulgated regulations attempting to implement those decisions but have not provided the clarity needed for state departments of agriculture, farmers, and landowners across the country. While key issues that would impact any new WOTUS rule are pending at the Supreme Court, NASDA respectfully requests that you limit EPA and USACE from funding for the enforcement of the 2023 revised definition of WOTUS.

NASDA thanks you for your careful consideration of these requests as you work to fund the programs that enhance farmers and ranchers and ensure a safe, affordable, and abundant food supply. If you have any questions, please contact RJ Karney, senior director public policy, RJ.Karney@nasda.org.

Sincerely,

A handwritten signature in black ink that reads "Ted A. McKinney". The signature is written in a cursive style with a large, sweeping flourish at the end.

Ted McKinney
Chief Executive Officer