

2024 FARM BILL

PRIORITIES FOR STATE DEPARTMENTS OF AGRICULTURE

The National Association of State Departments of Agriculture will direct its policy advocacy efforts regarding the bill toward 10 specific policy areas. The next farm bill must remain unified, securing a commitment to American agriculture and the critical food and nutritional assistance programs for those who need it most.

AGRICULTURE RESEARCH

NASDA recommends significantly increasing funding for research on the safety and security of our food system and the improvement and protection of our natural resources. Robust support for agricultural research including funding for extension programs and research infrastructure is vital to ensuring U.S. agriculture remains competitive globally.

ANIMAL DISEASE

NASDA endorses the three-tiered animal disease prevention and management method established by the 2018 Farm Bill. The comprehensive program includes three critical components to identifying, addressing and responding to diseases:

- Early disease detection and surveillance
- Prevention
- Rapid response

NASDA recommends building upon the three-tiered program and ensuring the National Animal Vaccine and Veterinary Countermeasures Bank has adequate funds to increase available resources for the livestock industry. NASDA supports building an early disease detection warning system to support coordination between intergovernmental agencies and industry for a One Health approach in preparing and responding to new disease outbreaks.

CONSERVATION AND CLIMATE RESILIENCY

Agricultural Conservation Easement Program

- USDA conservation programs are effective tools in helping farmers and ranchers implement and maintain conservation practices. NASDA recommends increased funding for the Agricultural Conservation Easement Program.

Environmental Quality Incentive Program

- NASDA supports increasing the total funding amount for the Environmental Quality Incentive Program and the program's federal matching contribution percentage.

Climate Initiatives

- NASDA recommends creating additional investments in research, incentive programs for voluntary practices and technical assistance resources that equip more farmers and ranchers with additional options to protect and conserve natural resources through farming practices.
- NASDA supports compensating farmers and ranchers already using climate-smart strategies to reduce emissions, sequester carbon and improve resiliency.

Water Quality

- NASDA encourages Congress to create incentives for state and local governments to invest in outcome-based water quality programs.

CYBER SECURITY

NASDA supports maintaining the Comprehensive Food Safety Training Network at the authorized level of \$20 million a year. Cyberattacks pose risks of serious harm to agricultural businesses including financial losses, loss of confidential business information and intellectual property and disruptions to our nation's food supply.

FOOD SAFETY

The Food Safety Modernization Act overhauled American food safety regulation from response-driven to preventive and farm-focused. The next farm bill should provide resources to assist farmers in complying with the law.

HEMP

NASDA recommends amending the federal definition of hemp to increase the total THC concentration to one percent or less. Increasing the THC concentration to one percent would enable farmers to plant more seed varieties. This action also retains limits on THC concentration while giving farmers greater assurance their crop will be viable.

INVASIVE SPECIES

NASDA endorses an increase in funding for the highly successful “Plant Pest and Disease Management & Disaster Prevention” and the “National Clean Plant Network” programs that provide additional tools for domestic invasive species issues.

LOCAL FOOD SYSTEMS

Food Procurement Efficiency

- The farm bill must include supply chain solutions that create increased equity in food systems for socially disadvantaged as well as black, indigenous and people of color in the agricultural community.

Farm to School Grant Program

- NASDA supports increasing flexibility for participating schools to increase direct purchases of local products outside of the school food service contract. This will increase direct purchasing power and stimulate the local economy. This will also increase opportunities for local farmers and ranchers to participate in Farm to School programs.

Gus Schumacher Nutrition Incentive Program

- NASDA recommends increasing the number of farmers markets and other authorized retailers that accept SNAP benefits as a means of encouraging participants to provide consumers with a greater volume and variety of fruits and vegetables while supporting local farmers.

SPECIALTY CROP BLOCK GRANT

NASDA recommends increasing funding for the Specialty Crop Block Grant Program while ensuring a flexible, locally responsive and state-led program.

TRADE PROMOTION

NASDA supports increasing the Market Access Program that promotes American grown and made food and agricultural products that are in competition with heavily subsidized foreign products. According to an Economic Impact Study of USDA Export Market Development Programs, for every one dollar invested in export market development programs, \$24 is returned in export revenue. This program increases farm income and creates more American jobs in the farm and food sector.

January 2024



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FOOD SAFETY

State departments of agriculture are the frontline in protecting consumers against foodborne illness and food contamination. To support the FDA's statutory authority, state agencies are primarily responsible for the actual inspections, enforcement, training and implementation of various other food safety regulatory activities. In fact, approximately 80 percent of all food safety inspections in the United States are completed at the state and local levels. Cooperation between federal and state entities is crucial for the effective implementation of the Food Safety Modernization Act.



BACKGROUND

FOOD SAFETY MODERNIZATION ACT IMPLEMENTATION

In 2011, the Food Safety and Modernization Act (FSMA) was signed into law, marking a pivotal moment in our nation's commitment to fundamentally enhance and transform our food safety system from reactive (recalls and trace back) to preventive (education and evaluation). State departments of agriculture and other state agencies are charged with implementing significant portions of FSMA, notably:

- [Produce Safety Rule](#) (including special provisions for sprout production)
- [Preventive Controls for Human Food](#)
- [Preventive Controls for Animal Food](#)

Currently, 46 states and one territory have entered into cooperative agreements with the U.S. Food and Drug Administration to educate and/or regulate farms subject to the Produce Safety Rule. NASDA's Foundation supports all these states and works jointly with the FDA to guide states in the implementation of best practices. A similar framework for animal food safety is available. Through proactive measures, education, and collaborative partnerships, the FSMA implementation is instrumental in ensuring the well-being of consumers and the integrity of the U.S. food system and supply chain.

One of NASDA's guiding principles for FSMA compliance for farms is to "educate before and while you regulate" has been integrated into state inspection compliance programs. Also, a team of state, FDA, and cooperative extension food safety leaders led by the NASDA Foundation developed an On Farm Readiness Review program. This review program is meant to foster a dialogue between the farmer and the regulator and/or educator about the requirements of the PSR. It is confidential and non-regulatory, stressing prevention practices. Learn more and find out how to sign-up for an On Farm Readiness Review at the NASDA Foundation's [website](#).



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FOOD SAFETY

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NEW ERA FOR FOOD SAFETY

In 2020, the FDA introduced an updated food safety blueprint, titled the “New Era for Food Safety,” which outlines ambitious new goals, including enhancing traceability, improving rapid response to outbreaks, and reducing food contamination. This initiative leverages the strategic utilization of technology and other tools to establish a safer and traceable food system. It also ushers in the “new era” of prevention as the goal for regulatory programs, including outreach and education.



NASDA POLICY

As a co-regulator, NASDA remains dedicated to four core priorities to meet consumer expectations for a safe, nutritious, and affordable food supply, while simultaneously promoting competition and increasing production.

1. Ensure fair and equitable implementation across states of FSMA for American farmers.
2. Promote the implementation of regulations in a manner that emphasizes education and outreach, with a focus on prevention.
3. Ensure the consistent application of prevention rules in both domestic and foreign production.
4. Continue to seek workable rules and guidance to assist farmers in preventing foodborne illnesses from fresh fruits and vegetable (e.g. definition of farm, use of composed materials of animal origin, use of agricultural water).

NASDA'S ASKS

NASDA supports increased funding for the following FSMA programs:

- Produce Safety Rule Implementation through the State Cooperative Agreement Program
- Animal Food Preventive Controls Rule Implementation
- Food Safety Outreach/Education Programs led by states
 - Including the Produce Safety Alliance, administered by Cornell University
- Produce Safety State Programs funding for states
- \$170 million for food safety state programs in FY25.

March 2024



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LABOR

AGRICULTURAL LABOR REFORM

Farmers and ranchers need a legal, reliable workforce that supports their farms and treats workers respectfully. American agriculture faces a critical shortage of labor that harms annual harvests, animal agriculture production and processing facilities. This damages American competitiveness and overall food security. Both farmers and U.S. consumers have been haunted by labor shortages, which are driving up prices and threatening U.S. agriculture's place in the global marketplace.



Reforming the H-2A program would provide farmers and ranchers with a legal and reliable workforce while curbing rising food prices and maintaining our global competitiveness.

By 2026



**25% of the U.S. workforce
will be 55 and older**

&

**5.53 million jobs
will be available in the
agriculture and food sector**

BACKGROUND

By 2026, nearly 25 percent of the U.S. workforce will be 55 and older, according to the Bureau of Labor Statistics. The agricultural and food sectors comprise more than 21 million full and part-time jobs, which continues to rise annually, according to USDA Economic Research Service. This means that in less than nine years, more than 5.35 million jobs will be available and necessary to fill in the agricultural and food sectors.

The H-2A temporary agricultural visa program allows agricultural employers who anticipate a shortage of domestic workers to bring

nonimmigrant foreign workers to the United States to perform agricultural labor or services of a temporary or seasonal nature. The H-2B temporary non-agricultural program permits employers who meet the program requirements to hire nonimmigrant workers to temporarily come to the U.S. and perform non-agricultural services or labor based on the employer's temporary need.

Due to the ongoing instability in the domestic workforce, the use of seasonal nonimmigrant programs has become vital to ensuring businesses have an adequate supply of labor. The H-2A program has expanded significantly in recent years. Similarly, applications for the H-2B program have well exceeded its statutory cap of 66,000 visas. In the H-2A program, the Department of Labor reports more than 302,000 certified positions for H-2A workers through the 3rd quarter of fiscal year 2023. Throughout the entire fiscal year of 2020, there were only 275,430 certifications.

NASDA supports border control and border security measures in conjunction with meaningful congressional reform as a means toward a legal and stable workforce. NASDA believes both the current H-2A visa for temporary agriculture workers and the H-2B visa for temporary non-agricultural workers are impractical and in need of comprehensive reform.



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LABOR

AGRICULTURAL LABOR REFORM (CONTINUED)

LEGISLATIVE ACTION

NASDA supports the Farm Workforce Modernization Act, which would reform the H-2A program to provide more flexibility for employers while ensuring critical protections for workers. It would also establish a program for agricultural workers in the United States to choose to earn legal status through continued agricultural employment and contribution to the U.S. agricultural economy. Finally, the bill focuses on modifications to make the program more responsive and user-friendly for employers and provides access to the program for industries with year-round labor needs.



REGULATORY ACTION

NASDA Comments on the Department of Labor's proposed rule for temporary agricultural employment

- NASDA outlined concerns that the DOL's proposed rule seeks to expand labor organizations' access and input to the H-2A program in an inefficient manner and potentially undermining the program's goals.

NASDA Comments on Department of Homeland Security proposed rulemaking on modernizing H-2A Program

- NASDA is interested in the department's provision in this proposed rule that would clarify that H-2 workers may take steps toward becoming lawful permanent residents of the United States while still maintaining lawful nonimmigrant status. NASDA also seeks an "at-will" visa where employees do not have contractual commitments and can move between employers as seasons and labor demands change.

NASDA'S POLICIES AND ACTIONS

As Congress considers immigration legislation, NASDA recommends the following criteria:

- Amend the H-2A and H-2B programs to include year-round workers for all agricultural, livestock, and forestry industries.
- Respect and recognize the importance of our current experienced but unauthorized workforce by creating a mechanism for workers in good standing to earn legal status based on agricultural work experience.
- Ensure flexibility by allowing guest workers to access and work in all types of agriculture, not just those occupations limited to seasonality.
- Establish a market-based approach to wages that is fair to both the agricultural employee and employer.
- Provide the ability for agricultural employers to meet expanding labor needs without arbitrary limits.

January 2024



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PESTICIDE REGULATION

As farmers face growing economic and environmental pressures such as new and growing insect, pest and crop disease threats, military conflicts and global supply chain inefficiencies, it is more imperative than ever to ensure farmers and other pesticide user groups maintain access to safe and effective products. Pesticides are also critical tools in a variety of public health activities.

NASDA recommends that the U.S. Environmental Protection Agency use the best available science while executing pesticide registration, registration review, and, when necessary, Endangered Species Act (ESA) consultation.

NASDA implores the EPA to develop an ESA compliance strategy to ensure that growers can comply with EPA's final work plan and state lead agencies can adequately enforce these strategies.



BACKGROUND

PROTECTING ENDANGERED SPECIES AND PESTICIDE REGULATION HISTORY

EPA is responsible for reviewing information and data to determine whether a pesticide product can be registered for a particular use, and that product registration decisions are compliant with ESA, without placing an unnecessary burden on agriculture and other pesticide user groups. As a part of that review, all pesticide products that EPA determines “may affect” a listed species or its designated critical habitat may be subject to the Endangered Species Protection Program.

EPA has [stated](#) that the agency faces several challenges in implementing timely and effective strategies that protect listed species in a way that is both practical for pesticide users to implement and timely to protect species.

A WORKPLAN TO REDUCE CONFLICTS BETWEEN EPA AND FIFRA

In 2021, prompted by the escalating legal challenges of fulfilling its ESA obligations for pesticide decisions, EPA began developing a comprehensive, long-term approach plan. This plan was further outlined in the November 2022 ESA Workplan Update, which attempts to take a holistic approach to protecting species and regulating pesticides.

The EPA has released two programmatic frameworks under this work plan that will be applied to registration and re-registration decisions: the [Vulnerable Species Pilot Project](#) and the [Herbicide Strategy](#). While not yet final, NASDA submitted comments to EPA sharing its concern that the proposed strategies are overly burdensome and unworkable for both pesticide applicators and state departments of agriculture, which will largely be charged with enforcing these measures. NASDA supports safeguarding endangered species for a healthy environment while ensuring farmers and public health agencies have the tools to feed and protect everyone.



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PESTICIDE REGULATION

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STATE DEPARTMENTS OF AGRICULTURE'S CO-REGULATOR ROLE IN PESTICIDE REGULATION

In 43 states and Puerto Rico, the state department of agriculture is a co-regulatory partner with EPA. It is responsible for administering, implementing, and enforcing the production, labeling, distribution, sale, use, and disposal of pesticides under FIFRA, establishing a rigorous scientific evaluation and review process for these tools.

NASDA POLICY AND ACTION

NASDA supports the scientifically sound development, review, registration and re-registration of crop protection technologies and uses to enable growers to produce our nation's food, fiber, and fuel. Pesticides are an important component within many agricultural and horticultural crop production systems.

In situations where requirements of other environmental statutes, like ESA, overlap with FIFRA, NASDA supports incorporating those requirements into the FIFRA registration process in a science-based, transparent manner that allows for fully examining the risks and benefits of the proposed action.

NASDA is troubled by the negative impacts of EPA's proposed frameworks if they were to move forward without significant modification. To meaningfully address these concerns, NASDA implores EPA to:

- (1) Fully quantify and consider the benefits of pesticides as required by FIFRA.
- (2) Reconsider complex and expensive mitigation measures and find alternate solutions.
- (3) Work with state lead agencies to answer outstanding questions surrounding enforcement, including the need for additional training and resources.



January 2024



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PFAS

Per- and poly-fluoroalkyl substances (PFAS) are steadily emerging as a major issue to farmers and ranchers in the United States. Federal agencies should work with state departments of agriculture to keep agricultural operations productive and economically viable by offering financial support and providing access to federal programs, either currently existing or to be created in response to this emerging risk.



BACKGROUND

PFAS are a large group of synthetic fluorinated chemicals that do not fully degrade in the environment. Historically, PFAS chemicals have been widely used in consumer products that are stain, oil, heat and water resistant. Federal and state agencies are increasingly studying the impact of PFAS on humans, the food supply, and the environment. In addition, the means to remedy agricultural land with detections of PFAS.

Does PFAS impact our food supply?

- The U.S. food supply is among the safest in the world. To date, most food does not have a detectable level of PFAS, according to the FDA.¹ States and federal partner are working to test food grown in specific geographic areas with known PFAS contamination.
- No PFAS have been detected in over 97 percent of the fresh and processed foods tested from the FDA's Total Diet Study, which began in 2019.²
- Continued research and additional analyses of foods, including animal food, will help inform state and federal partners' efforts to identify and prioritize activities in understanding the threshold levels of PFAS in food.

PFAS in Biosolids

- There have been three primary management practices for biosolids – the solid matter left at the end of the wastewater treatment process – use and disposal: land application, incinerations, and placement in solid waste landfills.
- The benefits of using biosolids as soil amendments are similar to those provided by animal manures. Biosolids provide crops with critical nutrients and organic matter. However, recent evidence has shown that PFAS can be and are present in biosolids.

¹ "Questions and Answers on PFAS in Food" January 2024, <https://www.fda.gov/food/process-contaminants-food/questions-and-answers-pfas-food>.

² Ibid.



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PFAS

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- NASDA, in partnership with the EPA and Environmental Council of the States, jointly developed “[Principles for Preventing and Managing PFAS in Biosolids](#).” The principles highlight the importance of collaboration among state and federal environmental and agricultural agencies as the science and policy landscape evolves.



NASDA’S POSITION, POLICY AND ACTIONS

NASDA supports developing strategies to remediate lands contaminated with PFAS that allow farmers and ranchers to keep their agricultural land productive.

NASDA supports federal legislation that increases state funding and resources for responding to identified and emerging pollutants, particularly PFAS, impacting agricultural lands, groundwater, surface water, livestock and the nation’s food supply.

NASDA encourages the development of a federal framework that collaboratively supports states responding to PFAS and minimizes impacts on interstate commerce.

NASDA encourages using the best available science and appropriate risk assessment in establishing any regulatory standards of threshold levels for PFAS in food products. We encourage complete toxicological evaluations and interpretations before any relevant federal agency releases the data.

NASDA supports robust financial support for impacted farmers.

NASDA supports federally funding research for mitigation strategies on the risk of PFAS contaminants in the food supply and cleanup efforts.



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