



May 10, 2024

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

Dear Chairman Merkley and Ranking Member Murkowski:

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) 2025 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 provide 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.

FIFRA STAG – Pesticide Enforcement Program: \$25.58 million

The Pesticide Enforcement Program is critical to allow state enforcement agencies to continue their activities, particularly given substantial new compliance and enforcement obligations.

FIFRA STAG – Pesticides Program Implementation Program: \$14.027 million

The Pesticides Program Implementation Program allows states and tribes to translate often complex pesticide regulatory decisions for end-users. This includes the Agricultural Worker Protection Standard and Certification and Training Program, the Endangered Species Protection Program, Integrated Pest Management, and more.

Office of Pesticide Programs (OPP)

NASDA supports increased funding for EPA’s Office of Pesticide Programs (OPP) at \$166 million 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. Since the enactment of the Pesticide Registration Improvement Act (PRIA), Congress has intended for industry fees to supplement annual appropriations. PRIA requires the termination of the fee program if a minimum level of appropriations is not provided.

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 is 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.

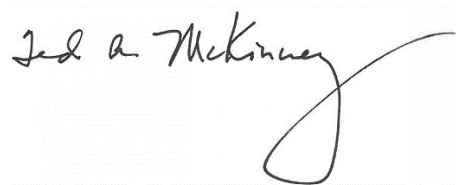
EPA and U.S. Army Corps of Engineers

NASDA recommends that the Committee limit the EPA (Environmental Protection Agency) and U.S. Army Corps of Engineers (USACE) from funding the enforcement of the 2023 revised definition of “Waters of the United States” (WOTUS), until the agencies provide to Congress guidance documents that have been used by agency staff to implement the *Sackett v. EPA* decision.

Almost a year has passed since the landmark *Sackett* decision, and it has been over six months since the conforming rule was published, and the Agencies still have not effectively engaged the public or addressed inquiries from the regulated community on implementation. The agencies have revised regulations attempting to implement the *Sackett* decision but have not provided the clarity needed for state departments of agriculture, farmers, and landowners across the country. NASDA respectfully requests that you limit EPA and USACE from funding until they provide implementation materials and guidance for 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