

WASHINGTON REPORT

December 21, 2022

Lee Van Wychen

Weed Science Congressional Visits

Weed Science Society Presidents and Science Policy Fellows conducted 15 Congressional meetings on weed science issues during the week of November 15, 2022 in Washington DC. They also met with the American Soybean Association, CropLife America and the U.S. Fish and Wildlife Service to discuss issues surrounding Endangered Species Act (ESA) compliance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).



Three Presidents and Two Fellows. Weed Science Society Presidents and WSSA Science Policy Fellows stop for a picture in front of the U.S. Capitol while going between meetings in the House and Senate Office Buildings on November 15, 2022. From left to right: Navdeep Godara, Virginia Tech, WSSA Science Policy Fellow; Stanley Culpepper, University of Georgia, WSSA President; Darrin Dodds, Mississippi State University, SWSS President; David Simpson, Corteva, NCWSS President; and Taylor Randell, University of Georgia, WSSA Science Policy Fellow.

The top three issues we focused on during our Congressional visits included:

- Supporting USDA NIFA IR-4 Project funding 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 provides an incredible return on investment as it contributes \$9.9 billion to the annual U.S. GDP and

supports more than 123,260 jobs. *(Congress did support IR-4 at \$15 million for FY 2023 in their final Omnibus appropriations bill).*

- Supporting the USDA NIFA Crop Protection and Pest Management (CPPM) program at \$22 million in FY 2023. This highly effective applied grant program tackles real world weed, insect, and disease problems with applied solutions through the concepts of integrated pest management (IPM), while supporting the Regional IPM Centers and extension IPM funding. *(Congress did provide \$21 million to CPPM in their final Omnibus appropriations bill, CPPM's first increase since FY 2017).*

- Amend the Plant Protection Act in the 2023 Farm Bill so that the definition of a "Plant Pest" includes "noxious weeds", not just "parasitic plants" (7 USC 104, S.7702 (14)). USDA-APHIS Plant Protection and Quarantine (PPQ) only spends a small percentage of their nearly \$400 million plant protection budget on noxious weeds. One reason is because the definition of "plant pest" only legally includes "parasitic plants". There are 111 Federal Noxious weeds, plus hundreds more prohibited and invasive weeds on state lists. However, there are only four genera of parasitic plants on the Federal Noxious weed list.



Meeting with the House Agriculture Appropriations Committee Chairman, Rep. Sanford Bishop (D-GA) on November 16, 2022 in Washington DC. Pictured (L to R): Taylor Randell (UGA) and Navdeep Godara (VA Tech), WSSA Science Policy Fellows; Representative Sanford Bishop (D-GA), David Simpson (Corteva), NCWSS President; Stanley Culpepper (UGA), WSSA President, Darrin Dodds (MS State), SWSS President, and Lee Van Wychen (WSSA) Executive Director of Science Policy.

Funding Update for DOT Invasive Plant Elimination Program

The 2021 Infrastructure Investment and Jobs Act (Public Law No: 117-58) created the “**Invasive Plant Elimination Program (IPEP)**” in the Department of Transportation (DOT) for managing weeds along rights-of-way and transportation corridors. IPEP is authorized at \$50 million per year from FY 2022 to FY 2026, but has not been appropriated any funding in the first two years. After some discussions and meetings with DOT appropriations committee staff, we learned that WSSA was one of the first, and only groups asking Congress to support IPEP. In addition, we’ve heard that some state DOT’s have not been as supportive of IPEP because the grant program would require them to do extra work. Finally, since IPEP is a “brand new” program, a \$50 million per year start might be too big for Congress to get behind. Thus, we are considering an ask of \$5 million for FY 2024 to get a pilot program started at DOT. Please feel free to contact me with your thoughts or ideas on how to get IPEP started.

FY 2023 Appropriations Final (Almost)

The House and Senate passed a continuing resolution (CR) at the end of September to fund the federal government at FY 2022 levels through December 16, and then extended that another week to December 23, 2022. As I write this update on December 20, I am still awaiting final spending levels in certain parts of the Omnibus appropriations bill, but all signs indicate that the House will pass it and the president will sign it by December 23, 2022.

The table below includes the Omnibus Appropriations for FY 2023, as well as the final appropriations for FY 2021 and FY 2022 for various Federal programs important to weed and invasive plant research. The far-right column is the percentage increase compared to FY 2022.

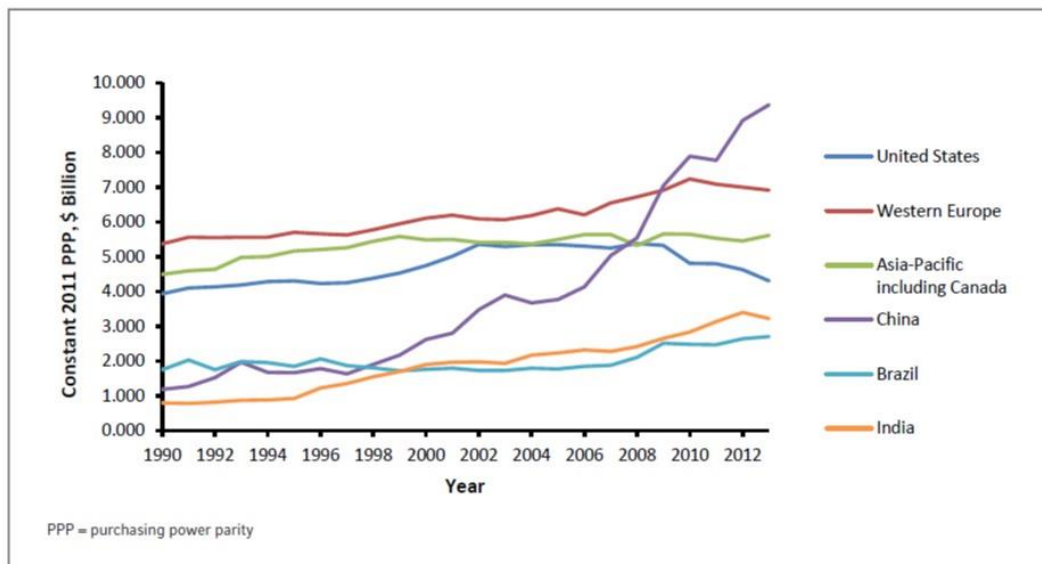
	Final FY 2021	Final FY 2022	Final FY 2023	Percent Increase
	-----\$ millions-----			
USDA-ARS	\$1,492	\$1,633	\$1,744	6.8%
USDA-NIFA	\$1,570	\$1,637	\$1,701	3.9%
-AFRI Competitive Grants	\$435	\$445	\$455	2.2%
-Hatch Act (Exp. stations)	\$259	\$260	\$265	1.9%
-Smith Lever (Extension)	\$315	\$320	\$325	1.6%
-IR-4 Program	\$11.9	\$14.5	\$15	3.4%
-Crop Protection and Pest Management	\$20	\$20	\$21	5.0%
-SARE: Sustainable Ag Research & Educ.	\$40	\$45	\$50	11.1%
Army Corps- Aquatic Plant Control Research	\$7	\$8	\$8	0%
-CT River hydrilla control and research	n/a	n/a	\$6	∞%
EPA - Great Lakes Restoration Initiative	\$330	\$348	\$368	5.7%

We are very excited that the House and Senate approved \$6 million for a hydrilla research and control program for the Connecticut River Basin to deal with a new strain of hydrilla that has the high potential to spread to the Great Lakes. Other noteworthy parts of the FY 2023 Omnibus Appropriations include:

- A \$9.9 billion, or **12 percent increase**, for the **National Science Foundation (NSF)**. This is largest dollar increase for NSF of all time and the largest percentage increase for NSF in more than two decades. NSF's funding level will support approximately 2,300 additional research and education grants and 35,000 more scientists, technicians, teachers, and students, compared to fiscal year 2022.
- The EPA's **Office of Pesticide Programs (OPP)** was funded at **\$140 million** for FY 2023. While this is not as high as we had asked for (\$163 million), this is still the highest funding for EPA OPP since 2010 and an **8.6 percent increase** over FY 2022.
- Finally, the **5th reauthorization of the Pesticide Registration Improvement Act (PRIA 5)** was included in the FY 2023 Omnibus bill, beginning on page 3,980. The National and Regional Weed Science Societies joined many other organizations in a [letter to House and Senate Ag Committee leaders urging them](#) to complete the reauthorization before it expired in 2023. First established in 2004, PRIA put in place pesticide registration service fees paid by registrants in exchange for specific time periods for EPA to make a regulatory decision on pesticide registrations and tolerance actions. The goal of PRIA is to create a more predictable and effective evaluation system that promotes shorter decision review periods for reduced-risk pesticides. Link to: [PRIA overview and history](#).

Farm Bill Hearing Spotlights Shrinking Funding for Ag Research

The Senate Ag Committee held a [hearing on ag research programs in the Farm Bill](#) on December 6, 2022. The current Farm Bill expires on September 30, 2023. The hearing highlighted the issue of shrinking public funding for ag research that has declined by a third in the past 20 years, while **China** has quintupled its investment in public agricultural research since 2000 and now **invests twice as much as the US**.

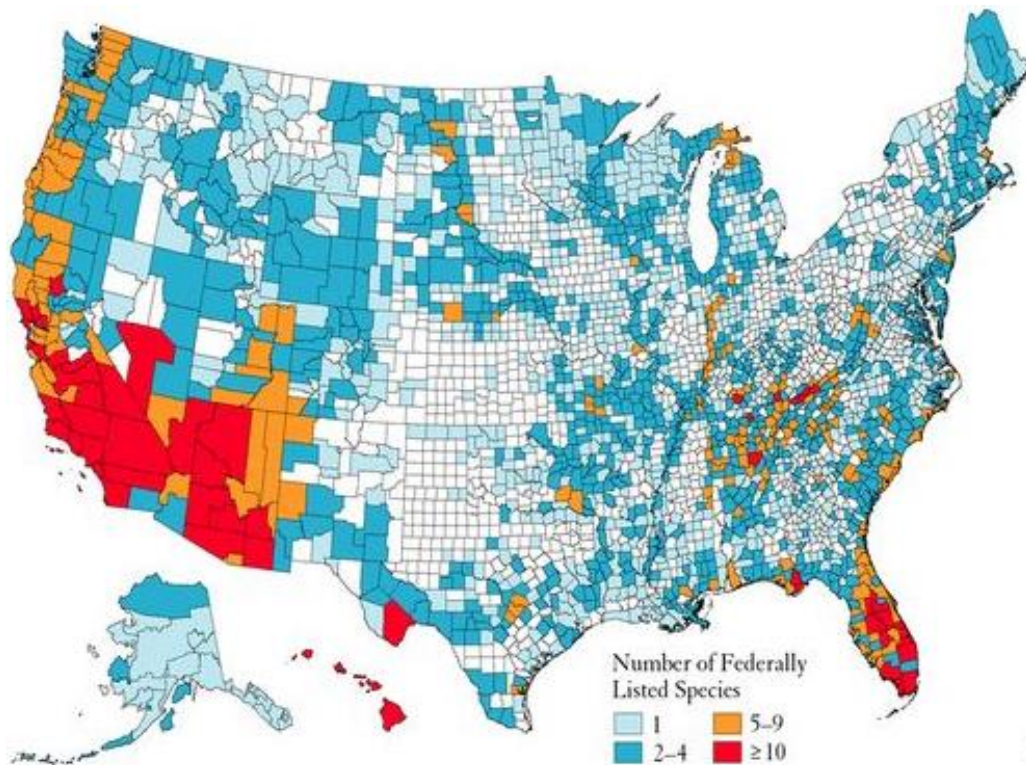


Trends in public funding for Agriculture R&D in selected countries (adapted from Clancy, Fugile & Heisey, 2016).

In addition, Chavonda Jacobs-Young, USDA Undersecretary of Agriculture for Research, Education and Economics, said that researchers who work in land-grant universities or in USDA agencies often work in buildings and labs in serious need of upgrades. The USDA-ARS's buildings are **47 years old** on average. Yet, according to USDA's Economic Research Service (ERS), research and development in agriculture **yields about \$20 for every dollar of public investment**. While research is generally a bipartisan issue in Congress, calls to significantly increase investments in agricultural research have largely gone unheard. Although the Inflation Reduction Act, passed earlier this year, included \$40 billion for agriculture and rural development, agricultural research did not see much of a boost from previous years.

FIFRA and Endangered Species Act Compliance

The new WSSA Endangered Species Act (ESA) Committee, chaired by Bill Chism, continues to work on a symposium and workshop at the WSSA annual meeting on January 30, 2023 to determine how weed scientists can provide useful science-based information to regulators for ESA compliance to FIFRA approved herbicides. There are approximately 1,700 endangered species of which approximately 900 are plants, plus another 700 critical habitats. It is anticipated that glyphosate and other herbicides will impact almost all of those.



Endangered Species by County. Source: Precious Heritage: The Status of Biodiversity in the United States.

On November 16, the EPA released an [Updated ESA Workplan](#) that provides more detail about how EPA plans to impose various mitigation measures that will be required on pesticide labels to meet its ESA obligations when registering a pesticide. There are concerns about some of the mitigation options such as “buffers to reduce pesticide drift and water runoff” or “do not use when rain is expected in the next 48 hours” -- which raises other issues such as what or how compliance might be proven or enforced.

EPA has previously stated that by using the current ESA compliance approaches, they could only complete about 5 percent of the ESA required reviews in about 18 years. This means that it would take EPA about 360 years to complete its ESA compliance review for all pesticides, which is clearly not acceptable.

The Updated EPA Workplan released in November describes mitigation strategies that are “reasonable and prudent alternatives” (RPAs) for ESA compliance to help streamline the process and reduce the unacceptable timeframe of 360 years. However, these updated strategies might lead to fears among some stakeholders that in a “rush” to complete this work, EPA will make overly conservative label restrictions and reduce availability of the pesticide without adequate and legally defensible ESA protections.

The ESA Workplan Update also describes initiatives that, according to EPA, will help it and other federal agencies improve approaches to mitigation under the ESA and improve the interagency consultation process outlined in the ESA Workplan. These initiatives include EPA’s work to [identify ESA mitigation measures for pilot species](#), incorporate early ESA mitigation measures for groups of pesticides (*e.g.*, broadleaf herbicides), and develop region-specific ESA mitigations.

Comments on the proposed set of interim mitigation measures and the proposed revisions to label language are due on **January 30, 2023**. This is the day before the WSSA annual meeting symposium on ESA mitigation measures. For that reason, WSSA has requested a 60-day extension on the comment period. However, we have not heard back from EPA yet (as of Dec. 20, 2022). Please submit comments at [EPA-HQ-OPP-2022-0908](#).

WRDA 2022 Passes House and Senate

The Senate passed the 2022 Water Resources Development Act (WRDA) by a vote of 83-11 in early December, well after the House passed their version of WRDA last summer. The WRDA bill conference agreement (H.R. 7776) was attached to the massive 4,400 plus page, \$858 billion National Defense Authorization Act (NDAA) for a ride to the President’s desk. There is a chance the President might veto the bill due to his opposition to a military non-vaccination clause in NDAA, but hopefully WRDA eventually gets signed into law.

WRDA has been reauthorized by Congress every two years since 2014 to fund the projects and research carried out by the Army Corps of Engineers (ACOE). Overall, WRDA will authorize more

than \$37 billion in funds for inland waterways projects. In Sec. 8305, Invasive Species, on page 3,387 of the bill, the following aquatic invasive species provisions were added:

- Amends 33 USC 2263a: Aquatic invasive species research by adding **hydrilla** to the list of priority species : *“In general- As part of the ongoing activities of the Engineer Research and Development Center (ERDC) to address the spread and impacts of aquatic invasive species, ACOE shall undertake research on the prevention, management, and eradication of aquatic invasive species, including Asian carp, elodea, **hydrilla**, quagga mussels, and zebra mussels.”*
- Increases from \$50 million to **\$75 million per year** through **FY 2028** for ACOE invasive species partnerships with states and other Federal agencies to carry out actions to prevent the introduction of, control, or eradicate invasive species that adversely impact water quantity, water quality, **or ecosystems** in the Platte River Basin, the Upper Colorado River Basin, the Upper Snake River Basin, **the Lake Erie Basin, the Ohio River Basin** and the Upper Missouri River Basin. Priority shall be given to projects that are intended to control or eradicate **Russian olive** (*Elaeagnus angustifolia*), **hydrilla** (*Hydrilla verticillata*) or **saltcedar** (*Tamarix spp*).
- The Harmful Algal Bloom (HAB) demonstration program adds 8 new focus areas to the original 6 focus areas. The **HAB demonstration program is authorized for \$25 million** total until expended by ACOE to determine the causes of, and implement measures to effectively detect, prevent, treat, and eliminate HABs associated with water resources development projects. The HAB demonstration program focus areas include:
 - (1) the Great Lakes;
 - (2) the tidal and inland waters of the State of New Jersey, including Lake Hopatcong, New Jersey;
 - (3) the coastal and tidal waters of the State of Louisiana;
 - (4) the waterways of the counties that comprise the Sacramento-San Joaquin Delta, California;
 - (5) the Allegheny Reservoir Watershed, New York;
 - (6) Lake Okeechobee, Florida;
 - (7) the Caloosahatchee and St. Lucie Rivers, Florida;
 - (8) Lake Sidney Lanier, Georgia;
 - (9) Rio Grande River Basin, Colorado, New Mexico, and Texas;
 - (10) lakes and reservoirs in the State of Ohio;
 - (11) the Upper Mississippi River and tributaries;
 - (12) Detroit Lake, Oregon;
 - (13) Ten Mile Lake, Oregon; and
 - (14)** the coastal waters of the United States Virgin Islands.
- Adds the **Sacramento-San Joaquin Delta, California** to federally authorized water resources development projects. Specifically, ACOE shall periodically update the Invasive Species Policy Guidance, developed under section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) and the Nonindigenous Aquatic Nuisance Prevention and

Control Act of 1990 (16 U.S.C. 4701 et seq.), in accordance with the most recent National Invasive Species Council Management Plan developed pursuant to Executive Order 13112 to include specific efforts at federally authorized water resources development projects located in:

- (1) high-altitude lakes;
- (2) the Tennessee and Cumberland River basins; and
- (3) the Sacramento-San Joaquin Delta, California.**

EPA Approves Stronger Plans for Certification of Pesticide Applicators

The EPA has approved 13 state and federal agency certification plans that comply with the improved federal standards to enhance worker safety under the [2017 Certification of Pesticide Applicators \(CPA\) rule](#).

The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) requires authorities to have an EPA-approved plan to certify applicators of **restricted use pesticides (RUPs)**. To date, of the nation's **68 certification programs**, EPA has reviewed all proposed modified plans and has approved **8 plans from states and territories** and **5 from federal agencies**, of which all are now starting to be implemented.

In 2017, EPA updated the CPA regulations, setting stronger standards for people who apply RUPs. Some of the Improvements included:

- Enhancing applicator competency standards to ensure RUPs are used safely
- Establishing a nationwide minimum age for certified applicators and persons working under their direct supervision
- Protection for noncertified applicators by requiring training before they can use RUPs (under the direct supervision of a certified applicator).

The following approved **state and territory** certification plans meet or exceed the standards mandated in the 2017 CPA rule:

- Alaska
- California
- Nebraska
- New York
- Oregon
- Puerto Rico
- Vermont
- U.S. Virgin Islands

In addition, the following **federal agency** certification plans meet or exceed the standards mandated in the 2017 CPA rule:

- USDA APHIS Plant Protection and Quarantine (PPQ)
- USDA Forest Service (USFS)
- U.S. Department of Defense (DOD)
- U.S. Department of Energy (DOE); Bonneville Power Administration
- U.S. Department of the Interior, Bureau of Land Management (BLM)

State, territory and tribal authorities with existing plans can continue using those plans until **November 4, 2023**, consistent with EPA's recently issued extension ([87 FR 50953, August 19, 2022](#)). EPA is working closely with authorities to address challenges in revising their plans and will continue to approve plans on a rolling basis. After November 4, 2023, only authorities with EPA-approved modified certification plans can continue to certify applicators of RUPs.

NISAW: February 20-26, 2023

National Invasive Species Awareness Week (NISAW), <https://www.nisaw.org/> will be digital again in 2023 (although there is the potential for some groups flying in to DC to advocate on Capitol Hill). The WSSA is a Partner Sponsor of NISAW, its 24th year of supporting NISAW. If you have topics or issues of concern, or would just like to get involved with NISAW planning, please let me know. Lee.VanWychen@wssa.net

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Meetings of the National and Regional Weed Science Societies

Jan. 23 - 26, 2023 Southern Weed Science Society (SWSS), Baton Rouge, LA www.swss.ws
Jan. 30 - Feb. 2, 2023 Northeastern Weed Science Society (NEWSS), Arlington, VA www.newss.org
Jan. 30 - Feb. 2, 2023 Weed Science Society of America (WSSA), Arlington, VA www.wssa.net
Feb. 27 – Mar 2, 2023 Western Society of Weed Science (WSWS), Boise, ID www.wsweedsociety.org
Jul. 24 - 27, 2023 Aquatic Plant Management Society (APMS), Indianapolis, IN www.apms.org
Dec. 11 - 14, 2023 North Central Weed Science Society (NCWSS), Minneapolis, MN www.ncwss.org